



FLORISSANT CITY COUNCIL AGENDA
City Hall
955 rue St. Francois
Monday December 9, 2019
7:30 PM
Karen Goodwin, MMC/MRCC



I. PLEDGE OF ALLEGIANCE

II. ROLL CALL OF MEMBERS

III. APPROVAL OF MINUTES

- Meeting minutes and Executive Meeting minutes of November 25, 2019
- Budget meeting minutes of October 23, 24 and 30th.

IV. MAYOR’S APPOINTMENT OF COUNCIL REPRESENTATIVE FOR WARD 2

- Swearing in of new Council representative

V. HEARING FROM CITIZENS

(Speaker cards are available at the entrance to the Council Chambers)

VI. COMMUNICATIONS

- Email dated December 4th, 2019 from Victoria Vandever-Leber regarding the closing of the animal shelter.

VII. PUBLIC HEARINGS

None		
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VIII. OLD BUSINESS

A. BILLS FOR SECOND READING

9560 Memo	Ordinance authorizing an amendment to Table XIV-L “Stopping, Standing Or Parking Prohibited Between 7:00 A.M. and 5:00 P.M. on Monday thru Friday” by adding certain locations.	2 nd Reading Pagano
9562 Memo	Ordinance supporting the Transportation Improvement Program (TIP) Application for the funding of the improvement of rue St. Denis Street through the East-West Gateway Council of Governments and the Missouri Department of Transportation (MoDOT).	2 nd Reading Council as a whole

9564	Ordinance authorizing an amendment to section 405.125 “B-3 Extensive Business District” subsection K “Special Use Permits” by adding signage regulations to Short Term Loan Establishments.	2 nd Reading Parson
9565	Ordinance authorizing an amendment to Section 405.161 (D) “Historic Business District, Subsection 6 “Special Use Permits” by adding a new use “State Substance Awareness Traffic Offender Program, probation service, theft offense, domestic violence and substance abuse service establishments”.	2 nd Reading Henke

IX. NEW BUSINESS

A. BOARD APPOINTMENTS

B. BILLS FOR FIRST READING

E9570	Ordinance to increase revenue account no. 09-4-09310 “Insurance Proceeds” for funds received in November in the amount of \$7,462.87 and an appropriation of the same amount to account no. 09-5-09-30010 “Vehicle repairs” for repairs to a 2016 GMC Sierra in the 2019 Fiscal year.	Caputa
9571	Ordinance repealing ordinance no. 8476 establishing a new compensation plan for part-time employees of the City of Florissant and containing an effective date clause.	Council as a whole
9572	Ordinance repealing ordinance no. #8183 establishing a new compensation plan for seasonal employees of the City of Florissant and containing an effective date clause.	Council as a whole

X. COUNCIL ANNOUNCEMENTS

XI. MESSAGE FROM THE MAYOR

XII. ADJOURNMENT

**HAPPY HOLIDAYS
FROM THE CITY OF FLORISSANT!**

<p>THIS AGENDA WAS POSTED AT THE FLORISSANT CITY HALL ON DECEMBER 6TH, 2019 AT 12:00 PM ON THE BULLETIN BOARD OUTSIDE THE COUNCIL CHAMBERS. ANY ONE WISHING TO ATTEND THE COUNCIL MEETING WHO HAS SPECIAL NEEDS DECEMBER 9TH, 2019.</p>
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CITY OF FLORISSANT



COUNCIL MINUTES

November 25, 2019

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, November 25, 2019 at 7:30 p.m. with Council President Caputa presiding. The Chair asked everyone in attendance to stand and join in reciting the Pledge of Allegiance.

On Roll Call the following Councilmembers were present: Pagano, Parson, Siam, Harris, Eagan, Caputa, Schildroth, Henke and Pagano. Also present was Mayor Timothy Lowery, City Clerk Karen Goodwin and City Attorney John Hessel. A quorum being present the Chair stated that the Council Meeting was in session for the transaction of business.

Council President Caputa announced that Councilman Tim Jones, Ward 2, has submitted his resignation effective immediately. Mayor Lowery will be appointing someone to fill his seat as soon as possible. Councilman Caputa added that Mr. Jones has worked hard for his constituents and the City of Florissant and will be terribly missed.

Councilman Caputa moved to amend the agenda to appoint a new Council vice-president, seconded by Pagano. Motion carried. Councilman Caputa moved to nominate Councilman Schildroth, as the new vice-president, seconded by Pagano. On roll call, Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Motion carried.

Councilman Henke moved to approve the Meeting Minutes of November 11, 2019, seconded by Harris. Motion carried.

The next item on the Agenda was *Hearing from Citizens*.

Bob Carmack, 1200 Lindsay, expressed his views regarding the resignation of Councilman Tim Jones. Mr. Carmack stated that Ward 2 has never had a more hard working Councilperson and he will be missed by all his residents.

The next item on the Agenda was *Communications* of which there were none.

The next item on the Agenda was *Public Hearings*.

32 The City Clerk reported that Public Hearing #19-11-030 to amend the Zoning Code to add
33 signage regulations to restrict Short Term Loan establishments had been postponed from 11/11/19. The
34 Chair declared the Public Hearing to be open and invited those who wished to be heard to come
35 forward.

36 Mr. Hessel stated that over the years many members of the City Council expressed their views
37 that Short Term Loan establishments charged extremely high interest rates and caused undo hardships
38 for seniors and low income residents. The city has looked at various ways to limit these types of
39 businesses. Unfortunately, government officials in Jefferson City have mandated that they cannot be
40 prohibited. None the less, the city can limit them by requiring the installation of security cameras, and
41 placing “No Loitering” signs on the premises. Also, the Council can require that no more than 10% of
42 the windows can be obstructed with signage since this prevents visibility. Location and density
43 restrictions can also be legislated. Additionally, other loan information, including interest rates
44 charged, will be posted.

45 Councilman Parson stated that a disproportionate number of these types of establishments are
46 located in the Florissant zip code area. Mayor Lowery asked Mr. Hessel if it would be feasible to enact
47 a waiting period after a citizens applied for the loan.

48 The Chair asked if there were any citizens who would like to speak on said public hearing.
49 Veronica Johnson and David Lander appeared before the Council and stated their objections to
50 predatory lending in the City.

51 Being no other citizens who wished to speak, Councilman Schildroth moved close P.H. #19-
52 11-030, seconded by Caputa. Motion carried.

53 The City Clerk reported that Public Hearing #19-11-031 to be held this night on a request to
54 amend the Zoning Code to add State Substance Awareness Traffic Offender Program, probation
55 service, theft offense, domestic violence and substance abuse service establishments as a Special Use
56 had been advertised in substantially the same form as appears in the foregoing publication and by
57 posting the same. The Chair declared the Public Hearing to be open and invited those who wished to
58 be heard to come forward.

59 Mr. Lum, Building Commissioner, stated that the Planning & Zoning Commission
60 recommended approval for this request contingent upon a positive recommendation from the Landmark
61 Historic District Commission, LHDC. The LHDC met this evening and the motion to recommend
62 approval failed.

63 Councilman Henke, Ward 6, stated his objections to this type of enterprise in the Historic
64 District.

65 Christine Keil, 110 St. Pierre, stated that she is against this proposal for a change to the Zoning
66 Code in the Historic District. She added that there are many other zoning districts to which this type of
67 business could locate and would be more suitable.

68 Dave Nauman, attorney, stated that the building which the petitioner purchased, 699 rue St.
69 Francois, has been vacant for six years. Mike Smith has run EMASS in Florissant since 1992 in
70 Florissant Oaks Shopping Center and there has never been any incident. After Mr. Smith purchased
71 the building on St. Francois, he was given approval by the city, and operated the business for six weeks.
72 The approval was then rescinded by the City and he immediately stopped running his business. Mr.
73 Smith and his wife have made a substantial investment in the Florissant by purchasing and upgrading
74 this site. EMASS is vital to the court system and has been instrumental in turning people's lives
75 around. Anger management and domestic abuse cases will not be dealt with at this location, only
76 alcohol related issues. There is ample parking. Mr. Naumann feels that the services provided by Mr.
77 Smith are akin to the psychological counseling and other medical services on St. Francois. Mr. Smith
78 stated that their headquarters is in St. Charles and they currently have 8 offices.

79 The Chair asked if there were any citizens who would like to speak on said public hearing.
80 Being no other citizens who wished to speak, Councilman Henke moved to close P.H. #19-11-031,
81 seconded by Pagano. Motion carried.

82 The Chair stated that the next item on the agenda was Second Readings.

83 Councilman Caputa moved that Bill No. 9555 Ordinance adopting the budget for the City of
84 Florissant for the fiscal year commencing on December 1, 2019 and ending on November 30, 2020 and
85 providing for its effective date be read for a second time, seconded by Schildroth. Motion carried and
86 Bill No. 9555 was read for a second time. Councilman Henke moved that Bill No. 9555 be read for a
87 third time, seconded by Pagano. Motion carried and Bill No. 9555 was read for a third and final time
88 and placed upon its passage.

89 Before the final vote all interested persons were given an opportunity to be heard. Being no
90 citizens who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan
91 yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No.
92 9555 to have passed and became Ordinance No. 8573.

93 Councilman Caputa moved that Bill No. 9556 Ordinance repealing Ord. No. 8472 and
94 authorizing the Mayor of the City of Florissant to enter into a contract with the law firm of Lewis, Rice
95 represented by John M. Hessel for legal services for the City of Florissant commencing on December 1,
96 2019 and ending on November 30, 2020 be read for a second time, seconded by Eagan. Motion carried
97 and Bill No. 9556 was read for a second time. Councilman Caputa moved that Bill No. 9556 be read
98 for a third time, seconded by Henke. Motion carried and Bill No. 9556 was read for a third and final
99 time and placed upon its passage.

100 Before the final vote all interested persons were given an opportunity to be heard. Being no
101 citizens who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan
102 yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No.
103 9556 to have passed and became Ordinance No. 8574.

104 Councilman Caputa moved that Bill No. 9557 Ordinance authorizing the Mayor of the City of
105 Florissant to enter into a user agreement for dispatch equipment for the interoperable radio system with
106 St. Louis County, Missouri be read for a second time, seconded by Pagano. Motion carried and Bill
107 No. 9557 was read for a second time. Councilwoman Pagano moved that Bill No. 9557 be read for a
108 third time, seconded by Caputa. Motion carried and Bill No. 9557 was read for a third and final time
109 and placed upon its passage.

110 Before the final vote all interested persons were given an opportunity to be heard. Being no
111 citizens who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan
112 yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No.
113 9557 to have passed and became Ordinance No. 8575.

114 The next item on the agenda was new business.

115 Councilman Caputa moved to reappoint Robert Smith, 2823 Chapel View, to the Citizens
116 Participation Committee as a member from Ward 4 for a term expiring on 3/24/2022, seconded by
117 Pagano. Motion carried.

118 Councilwoman Pagano moved to accept the application for a Transfer of Special Use Permit
119 No. 5724 from 367 Pizza Company to Florissant IMG Pizza, Inc. d/b/a Imo's Pizza located at 1939
120 Washington, for the operation of a restaurant, seconded by Caputa. Motion carried.

121 The next item on the agenda was First Readings.

122 Councilman Siam introduced Bill No. 9560 authorizing an amendment to Table XIV-L
123 “Stopping, Standing or Parking Prohibited between 7:00 a.m. and 5:00 p.m. on Monday through
124 Friday” by adding certain locations and said Bill was read for the first time by title only.

125 Council as a whole introduced Bill No. 9561 Ordinance authorizing the Mayor of the City of
126 Florissant to enter into a user agreement for the interoperable radio system with St. Louis County,
127 Missouri and said Bill was read for the first time. Councilman Eagan moved that Bill No. 9561 be
128 read for a second time, seconded by Schildroth. Motion carried and Bill No. 9561 was read for a
129 second time. Councilman Siam moved that Bill No. 9561 be read for a third time, seconded by
130 Parson. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes,
131 Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members
132 present Bill No. 9561 was read for a third and final time and placed upon its passage. Before the final
133 vote all interested persons were given an opportunity to be heard.

134 Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes,
135 Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair
136 declared Bill No. 9561 to have passed and became Ordinance No. 8576.

137 Councilman Caputa introduced Bill No. 9562 Ordinance supporting the Transportation
138 Improvement Program (TIP) application for the funding of the improvement of rue St. Denis through
139 the East-West Gateway Council of Governments and the Missouri Department of Revenue (MODOT)
140 and said Bill was read for the first time by title only.

141 Council as a whole introduced Bill No. 9563 Ordinance authorizing the Mayor of the City of
142 Florissant to enter into an agreement with the St. Louis County Boards of Police Commissioners to
143 allow Officer Dan Biermann to serve as an instructor at the St. Louis County Police Academy and said
144 Bill was read for the first time. Councilman Schildroth moved that Bill No. 9563 be read for a second
145 time, seconded by Caputa. Motion carried and Bill No. 9563 was read for a second time.
146 Councilman Schildroth moved that Bill No. 9563 be read for a third time, seconded by Pagano. On
147 roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes,
148 Henke yes and Pagano yes. Having received the unanimous vote of all members present Bill No. 9563
149 was read for a third and final time and placed upon its passage. Before the final vote all interested
150 persons were given an opportunity to be heard.

151 Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes,
152 Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair
153 declared Bill No. 9563 to have passed and became Ordinance No. 8577.

154 Councilman Parson introduced Bill No. 9564 Ordinance authorizing an amendment to Section
155 405.125 “B-3 Extensive Business District” Subsection (K) “Special Use Permits” by adding signage
156 regulations to Short Term Loan Establishments and said Bill was read for the first time by title only.

157 Councilman Henke introduced Bill No. 9565 Ordinance authorizing an amendment to Section
158 405.161 (D) “Historic Business District, Subsection 6 “Special Use Permits” by adding a new use
159 “State Substance Awareness Traffic Offender Program, probation service, theft offense, domestic
160 violence and substance abuse service establishments and said Bill was read for the first time by title
161 only.

162 Councilman Caputa introduced Bill No. 9566 Ordinance authorizing an appropriation of
163 \$38,000 from the Capital Improvement Fund to Acct. No. 03-5-03-20030 “Debt Payment Eq/lease
164 purchase” and said Bill was read for the first time. Councilman Schildroth moved that Bill No. 9566
165 be read for a second time, seconded by Caputa. Motion carried and Bill No. 9566 was read for a
166 second time. Councilman Schildroth moved that Bill No. 9566 be read for a third time, seconded by
167 Pagano. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes,
168 Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members
169 present Bill No. 9566 was read for a third and final time and placed upon its passage. Before the final
170 vote all interested persons were given an opportunity to be heard.

171 Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes,
172 Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair
173 declared Bill No. 9566 to have passed and became Ordinance No. 8578.

174 Councilman Caputa introduced Bill No. 9567 Ordinance authorizing an appropriation of
175 \$30,000 from the Park Improvement Fund to Acct. No. 09-5-09-20030 “Debt Payment Eq/lease
176 purchase” and said Bill was read for the first time. Councilman Schildroth moved that Bill No. 9567
177 be read for a second time, seconded by Caputa. Motion carried and Bill No. 9567 was read for a
178 second time. Councilman Schildroth moved that Bill No. 9567 be read for a third time, seconded by
179 Pagano. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes,
180 Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members

181 present Bill No. 9567 was read for a third and final time and placed upon its passage. Before the final
182 vote all interested persons were given an opportunity to be heard.

183 Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes,
184 Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair
185 declared Bill No. 9567 to have passed and became Ordinance No. 8579.

186 Councilman Caputa introduced Bill No. 9568 Ordinance authorizing various transfers within
187 General Fund accounts to better classify expenses between account categories and said Bill was read
188 for the first time. Councilman Schildroth moved that Bill No. 9568 be read for a second time,
189 seconded by Caputa. Motion carried and Bill No. 9568 was read for a second time. Councilman
190 Schildroth moved that Bill No. 9568 be read for a third time, seconded by Pagano. On roll call the
191 Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and
192 Pagano yes. Having received the unanimous vote of all members present Bill No. 9568 was read for a
193 third and final time and placed upon its passage. Before the final vote all interested persons were given
194 an opportunity to be heard.

195 Robert Smith, resident asked Kimberlee Johnson, Director of Finance, to clarify the reason for
196 the transfers.

197 Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes,
198 Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair
199 declared Bill No. 9568 to have passed and became Ordinance No. 8580.

200 Councilwoman Pagano introduced Bill No. 9569 Ordinance authorizing a transfer of Special
201 Use Permit No. 5724 from 367 Pizza Company to Florissant IMG, Inc. d/b/a Imo's Pizza for the
202 operation of a restaurant located at 1939 Washington Street and said Bill was read for the first time.
203 Councilwoman Pagano moved that Bill No. 9569 be read for a second time, seconded by Eagan.
204 Motion carried and Bill No. 9569 was read for a second time. Councilman Schildroth moved that Bill
205 No. 9569 be read for a third time, seconded by Pagano. On roll call the Council voted: Parson yes,
206 Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Having
207 received the unanimous vote of all members present Bill No. 9569 was read for a third and final time
208 and placed upon its passage. Before the final vote all interested persons were given an opportunity to be
209 heard.

210 Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes,
211 Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair
212 declared Bill No. 9569 to have passed and became Ordinance No. 8581.

213 The next item on the Agenda was Council Announcements.

214 Councilmembers thanked Tim Jones for his five years of service to the city and the residents.
215 He was a friend to all and worked diligently to meet the needs of all those who asked. No one worked
216 harder and loved the city of Florissant more. Mr. Jones was a devoted supporter of the Food Pantry on
217 St. Catherine and will be truly missed by all, especially his residents. It will be difficult for him to be
218 replaced.

219 Councilman Schildroth thanked the residents who attended the recent Ward meeting of Wards 5
220 and 7.

221 Councilman Siam also thanked the residents of Wards 8 & 9 who attended the recent ward
222 meeting.

223 Council President Caputa stated that residents of Ward 2 could contact him if they had concerns
224 or questions that needed to be addressed until Councilman Jones was replaced. Also, he stressed that
225 all residents should keep their fire arms locked up and not leave them in their vehicles. He added that
226 leave cars should not be left unattended when being warmed up. Wards 2, 3, and 4 will be hosting a
227 Ward Meeting on Dec. 4th JFK.

228 The next item on the Agenda was Mayor Announcements.

229 Christmas in Old Town with Santa will be from 2-4:30 at City Hall on 12/7. There will be a
230 plaque dedication on rue St. Francois for Rita Moellering, followed by the annual tree lighting
231 ceremony on city hall grounds. The Mayor encouraged everyone to attend Christmas at the Shrine
232 from 6-9.

233 Mayor Lowery wished everyone a safe and Happy Thanksgiving. He stated that Councilman
234 Jones had become a good friend and has done some incredible things for the City. The Mayor heard
235 from Tim almost daily and is very sorry to see him go. He will be missed by the Council and
236 administration both.

237 The Council President announced that the next regular City Council Meeting was scheduled for
238 Monday, December 9, 2019 at 7:30 pm.

239 Councilman Schildroth moved to adjourn the meeting, seconded by Henke. Motion carried.
240 The meeting was adjourned at 8:54 p.m.

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The following Bills were signed by the Mayor:

Bill No. 9555	Ord. 8573
Bill No. 9556	Ord. 8574
Bill No. 9557	Ord. 8575
Bill No. 9561	Ord. 8576
Bill No. 9563	Ord. 8577
Bill No. 9566	Ord. 8578
Bill No. 9567	Ord. 8579
Bill No. 9568	Ord. 8580
Bill No. 9569	Ord. 8581

Karen Goodwin, City Clerk



CITY OF FLORISSANT
CITY COUNCIL
OPEN EXECUTIVE SESSION

November 25, 2019

The City Council of the City of Florissant met in open Executive Session on Monday, November 25, 2019 at 6:30 pm. in the Council Chambers at 955 rue St. Francois, with President Caputa presiding. On Roll Call the following Council members were present: Schildroth, Henke, Pagano, Parson, Siam, Harris, Eagan, Caputa. (Ward 2 seat vacant due to resignation) Also present was Mayor Timothy Lowery, City Clerk Karen Goodwin and City Attorney John Hessel.

Council President Caputa stated that the item on the agenda was the discussion of the dog pound.

Todd Hughes, Public Works Director, stated that during the budget meetings, the Council decided not to fund the kennel operations any longer and use St. Louis County Animal control. Since that time St. Louis County informed Florissant that if they maintain a facility to hold animals, they will not take any animals without an appointment and they do not have room for the larger animals. Mr. Hughes added that if the city did not possess a facility to hold animals, the county would step in and pick them up when called. He noted that the response time may not be as quick as Florissant staff.

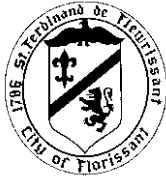
Councilwoman Pagano asked how the dangerous dog ordinance would be enforced if the city had no way of knowing about a dog bite or attack. Mr. Hughes stated that he would do more research on how this situation is handled in Hazelwood since they have a similar dangerous animal ordinance.

Council, after some discussion, decided to allow the administration and staff to work out the details of closing the kennel and see how it works.

Council discussed notification of the residents of the pending changes in service.

There being no further business to discuss, Councilwoman Pagano motioned to adjourn, seconded by Henke. Motion carried and the meeting adjourned at 7:07 p.m.

Karen Goodwin
City Clerk



CITY OF FLORISSANT
BUDGET MINUTES
OCTOBER 23, 2019



The City Council met on Wednesday, October 23rd, 2019 for a budget work session on the FY 2020 proposed budget at 6:00 pm in the training room at the court building located at 4575 Washington. Council members in attendance included: Harris, Jones, Eagan, Caputa, Schildroth, Henke, Pagano, Parson, Siam. Also in attendance were Mayor Timothy Lowery, Director of Finance Kimberlee Johnson, Assistant Finance Director Jennifer Morris and City Clerk Karen Goodwin. Council President Caputa stated that a quorum was present and the meeting was brought to order.

***Council President Caputa moved to disallow live streaming of the budget meeting by any member of the City Council, seconded by Schildroth, on voice vote motion carried.

Finance Director, Kimberlee Johnson provided an overview of the budget revenues and expenditures. She explained the projected deficit in the fund balance. She stated that the departments have worked hard to reduce spending in their proposed budgets.

Councilman Siam asked for the explanation of the differences in the revenues from last year to the projected revenues for this year. Mrs. Johnson explained that the sales tax and utility taxes have been decreasing for the past few years.

Councilman Schildroth asked what an estimated turn back could be. Mrs. Johnson stated that she thinks there will be a \$1 million turn back.

Councilwoman Pagano asked about the internet sales tax and noted that the city would need to have a use tax that would need to go to a vote of the people. She stated that she feels that this might be an item on the next ballot.

Councilman Eagan discussed the upcoming 2020 census. He asked what the impact would be if the city's population goes below 50,000 in 2020. Mayor Lowery stated that the city is working hard to push the census and education groups to get them counted.

Councilman Henke stated that the tax revenue is down 1.3 million. The city needs to tighten belts.

Councilwoman Pagano asked why the Sewer Lateral Fund revenue estimate is less than last year. Mrs. Johnson stated that was an error and will need to be fixed. She stated that she budgeted low based on last year's revenues.

***The following motions were made to accept the changes proposed from the initial submittal of the budget as presented by the Finance Director:

Motion	Motion /Second	Council Action Taken	Corrections	GF	PIF	Street F	CAP
To correct a typo in police Overtime from \$390,000 to 336,000	Eagan/Henke	Roll Call/Motion carried		(54,000.00)			
To reduce positions in police department by one officer. (Page 10 of proposed budget)	Eagan/Henke	Roll Call/Motion carried		(85,140.00)			
To adjust Theatre Salaries & Benefits to remove grade change (Page 21)	Harris/Eagan	Roll Call/Motion carried		(3,680.00)			
To correct benefits for DB Plan Contributions (Pg. 31)	Caputa/Eagan	Roll Call/Motion carried			10,987.00		
To add \$240,000 Capital Additions	Caputa/Jones	Roll Call/Motion carried				240,000.00	
To approve the following data entry corrections:							
Pg. 4 - Plus estimated fund beginning balance	Caputa/Parson	Roll Call/Motion carried	8,158,647.00				
Pg. 27 - CAP Plus estimated beg bal			1,417,110.00				
Pg. 30 - PIF Plus estimated beg balance			1,167,727.00				
Pg. 35 - Street Fund-Plus estimated beginning fund bal			354,495.00				
Pg. 37-Sewer Lateral-Plus Estimated beginning fund bal			1,357,350.00				
Pg. 41 - Public Safety - Plus estimated beginning fund bal			92,509.00				
Pg. 40 - Court Building -Plus estimated fund beginning bal			0.00				
To change assistant court clerk staffing number to 1.45 from 0							
To insert service detail for staffing to total			3,138,300.00				
To approve data entry correction on Pg. 37 Sewer Lateral revenues- Plus...			1,357,350.00				

Chief Tim Fagan and Major Randy Boden discussed the police department budget and highlighted significant changes. Chief Fagan discussed the reductions with part time salaries. With regard to Capital Additions, the police department is looking to change the weapons in the police department. He explained the reasoning for this change.

Chief Fagan stated that they are asking for 7 police vehicles and 2 Tahoe's. Councilman Eagan asked about police overtime. Chief Fagan explained reduction in overtime over the past couple of years.

Council discussed taking the police officer out of city hall by changing the Assistant to the Mayor position. Mayor Lowery stated that he is looking at ways to secure city hall, but reassured the Council that a retired police officer is capable of carrying a weapon and is required to stay up to date on training.

Councilman Schildroth asked about decoy cars. Chief Fagan stated that he feels they have a sufficient number of decoy cars. Councilman Schildroth also asked about the speed signs and the trade in of weapons for retired officers.

Councilwoman Pagano asked about the shooting range and asked if it is going to be finished and is there enough money in the budget. Chief stated that Mr. Hughes would have more details.

10 minute break 7:05 pm.

Court

Mary Elizabeth Dorsey, Municipal Judge, Debra Mills, Court Clerk, Todd Marler, Prosecuting Attorney

Judge Dorsey stated that show me courts will be going live on November 1. Mrs. Mills answered questions about the transfer of information. Judge Dorsey stated that more of the court process will now be manual. She described some of the changes that will be made to comply with show me courts.

Judge Dorsey reviewed the proposed budget for the courts. She suggested that she feels the revenues are understated. She asked that the council look at the pay range of the court clerks.

***Councilman Harris moved to increase account no. 3550 by \$15,144 for the Prosecuting Attorney's office, seconded by Parson, on roll call the motion carried unanimously.

*** Councilwoman Pagano moved to increase the court revenue by \$20,000, seconded by Henke, on roll call the motion carried unanimously.

Public Works

Todd Hughes, Public Works Director, stated that the Public Works and Health department budgets have been combined.

5 min recess at 8:15 pm.

The Council asked for an explanation of the increase in the part time salaries budget numbers. Councilwoman Pagano asked about the combination of the public works department and the health department, Mr. Hughes explained the process of combining the two departments.

Councilman Harris asked about the reduction of gasoline. Mr. Hughes stated that it is now just fuel.

Sewer Lateral

Councilwoman Pagano asked why the revenue is down in the sewer lateral fund. Mrs. Johnson explained.

Council discussed the replacement of the front loader for the sewer lateral program.

Councilwoman Pagano asked about the shooting range and if there is enough money to finish the range. Mr. Hughes explained that the funds are available to finish the project.

Property maintenance fund

Councilwoman Pagano asked for the number of vacant houses and the revenue numbers for the collection of rental licensees and vacant properties.

Capital Improvement Fund

Councilman Caputa asked why sidewalk repair went down \$100,000.

Councilman Jones stated that when it takes a year to get a sidewalk or a tree removed, it is too long. Mayor stated that he and Todd would look into the contracts. Councilman Caputa asked if any of the concrete work could be done in-house. Mr. Hughes answered that some of the work is done in-house.

***Councilman Schildroth moved to remove the bus (\$100,000) from the budget, seconded by Harris, on Roll call the motion carried unanimously.

Street fund

Council discussed the need for the street sweeper. They asked about a schedule for the street sweeper. Councilman Jones suggested looking into a contractor for street sweeping.

Council requested a list of streets that have been done.

Right of Way maintenance

Councilman Schildroth asked about liability on a state right of way for the employees if we bring it in-house.

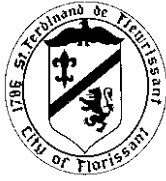
Council President Caputa stated that the Council would continue the discussion of public works until the next meeting on 10/24/19.

There being no further business to discuss, Councilman Henke moved to adjourn meeting, seconded by Eagan. Meeting adjourned at 10:16 pm.

Karen Goodwin

City Clerk

***Motions made



CITY OF FLORISSANT
BUDGET MINUTES
OCTOBER 24, 2019
(Meeting #2)



The City Council met on Thursday, October 24th, 2019 for a budget work session on the FY 2020 proposed budget at 6:00 pm in the training room at the court building located at 4575 Washington. Council members in attendance included: Harris, Jones, Eagan, Caputa, Schildroth, Henke, Pagano, Parson, Siam. Also in attendance were Mayor Timothy Lowery, Director of Finance Kimberlee Johnson, Assistant Finance Director Jennifer Morris and City Clerk Karen Goodwin. Council President Caputa stated that a quorum was present and the meeting was brought to order.

Councilman Caputa moved to amend the agenda to add Public Works budget discussion after IT/Media. Seconded by Henke, on voice vote, motion carried.

IT/Media

Steve Weiersmueller, IT/Media director, provided handouts explaining the new mission of the media department and the goals and objectives of the department. He reviewed goals that have been accomplished or are in progress.

Councilman Eagan asked about the charter station, is it necessary? Mr. Weiersmueller stated that he does not know the exact numbers but they have had some calls when it was not broadcast for a period of time.

Councilman Siam asked about the read only access to the public works database. Mayor Lowery stated that he would like to give access to the City Council.

Councilman Henke is concerned about the seniors who do not have online access.

*** Councilman Eagan moved to move \$130,000 from account no. 3624 "Telecom/Computer" and \$20,000 from Account no. 4924 "Telecom/Computer –Police" to Capital Improvement account no. 0324 "Telecom/Computer. Seconded by Caputa, on roll call vote, motion carried unanimously.

***Councilman Eagan moved to move \$60,000 from account no. 3629 "Building and Grounds" to 0329 "Building and Grounds", seconded by Siam, on roll call, motion carried unanimously.

Council President Caputa stated that the next item was the continued discussion of Public Works.

Todd Hughes, Public Works Director discussed the reduction in part time positions from 9 positions to 4 positions.

***Councilman Henke moved to reduce Public Works part time staff from 9 to 4 with a reduction in the budget of \$50,641, seconded by Pagano, on roll call the motion carried unanimously.

ROW maintenance discussion continued

Councilman Jones feels that the Council should accept the proposal to do the row maintenance in house.

***Councilwoman Pagano moved to approve the proposal for Right of Way maintenance to include the following:

*\$203,000 from 0350 "Professional Services" of which \$98,000 went to to Capital improvement account 036148 "Capital Additions" and \$105,000 is an admin cross charge for salaries and benefits.

Seconded by Henke, on roll call, the motion carried unanimously.

Animal Control

Mr. Hughes explained the issues with the animal shelter that is maintained by the Health Department. The proposal is to eliminate the pound and contract with St. Louis County.

Councilman Schildroth gave some details on the county facilities and programs. He feels they are headed in the right direction. The health department would still be picking up animals on the loose and delivering them to St. Louis County. Council discussed the logistics of animals taken to County.

Council discussed education regarding dogs at large. The Council asked the question of how long the animals are held in County.

***Councilman Schildroth moved to eliminate the animal pound and make the appropriate budget adjustments which include:

*Reduce account no. 4850 "Professional Services" by \$20,000

*Reduce account no. 4800 "Salaries and Benefits" by \$82,579

*Reduce account no. 0333 "CAP" by \$15,000

Seconded by Henke, on roll call, motion carried unanimously.

Street Fund

***Council discussed the purpose of the street fund and whether ice and snow removal fit into the intended purpose of the street fund tax. Councilman Eagan moved to remove Ice and snow removal from the Street Fund and put it in Capital improvement, seconded by Schildroth, on roll call the motion failed 6-3 with Harris, Jones, Caputa, Henke, Pagano, Siam voting no.

Council discussed the purchase of a new street sweeper or contract for street sweeping.

***Councilman Parson moved to remove the purchase of the street sweeper and contract for street sweeping services, seconded by Harris, on roll call the motion failed 7-2 with Jones, Eagan, Caputa, Schildroth, Henke, Pagano, Siam voting no.

***Councilman Henke moved to accept the recommended admin cross charge for 1 B and 2 C laborers in the amount of \$245,700, seconded by Eagan, on roll call the motion carried 5-4 with Schildroth, Pagano, Siam & Harris voting no.

Council President Caputa stated that he would schedule an executive session for the discussion of the leasing of vehicles.

Housing

Carol O'Mara, Housing and Community Development Director presented her budget and stated that there were no changes.

Senior Services

Peggy Hogan, Senior Director stated that there were no changes as far as operating expenses. Councilman Harris asked about change in Part time hours. Mrs. Hogan explained the changes.

Discussion of the bus replacement. Mrs. Hogan explained the impact of rental of the bus for trips. She said the one thing that suffers is the use of the bus for the clubs.

Council Caputa called for a 10 minute recess at 8:08 pm.

Council was back in session at 8:21 pm.

Parks and Recreation

Cheryl Thompson, Director, Andy Sprunt, Golf Superintendent, Mike Smoot, Clubhouse Manager presented their budget.

Ms. Thompson discussed an increase from grade 2 step 2. Grad 4 step 1, for the Clubhouse Manager.

Discussion of whether the street department can work on equipment.

Andy Sprunt stated that the new mower being requested is for tees. The 2006 mower is the one they want to replace.

Mr. Smoot gave an overview of the weather days for the year. He provided an overview of the number of tournaments.

** Council asked Mr. Smoot to provide information on how many rounds of golf are down this year.

Councilman Harris asked if there were any suggestions as to how to bring the income more in line with the expenses.

Councilman Henke stated that the golf course is an amenity and it will cost money. All amenities cost something.

Councilman Jones asked about rental of the clubhouse. Ms. Thompson stated that logistics makes it difficult to rent the clubhouse and there is no one to cook for them.

Theater

Brian Paladin – Theater Manager presented his budget and provided some highlights of changes from last year.

***Councilwoman Pagano moved to add \$20,000 for the Fine Arts Council, seconded by Parson, on roll call, motion carried unanimously.

Mr. Paladin is looking at doing a cost analysis. Council discussed the use of the theater and thinking outside the box to use the facility more effectively.

Parks and Recreation Civic and Community Centers.

Council discussed the summer day camp program and the fees.

Bangert Pool

Discussion of condition and rehabbing the splash pad at Bangert.

Parks

Council discussed contract services and the possibility of changing in the way the Parks Department pays their umpires.

Councilwoman Pagano moved to spend the rules to speak with Linda Rose, seconded by Caputa, motion carried.

Council discussed the use of the Park Improvement Fund to show positive things happening in the parks.

*** Councilman Eagan moved to add \$75,000 for a new playground in Bangert park, seconded by Pagano, on roll call, motion carried unanimously.

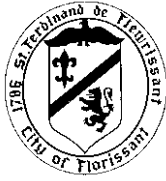
*** Councilman Eagan moved to add \$50,000 for upgrade of dugouts Ferdinand, seconded by Pagano, motion carried 8-1 with Harris voting no.

***Councilman Henke moved to add \$55,000 Capital Improvement for a sign in front of the Eagan Center, seconded by Parson, motion carried 8-1 with Harris voting no.

There being no further business to discuss, Councilman Eagan moved to adjourn meeting, seconded by Schildroth. Meeting adjourned at 10:13 pm.

Karen Goodwin
City Clerk

***Motions made



CITY OF FLORISSANT
BUDGET MINUTES
OCTOBER 30, 2019
(Meeting #3)



The City Council met on Thursday, October 30th, 2019 for a budget work session on the FY 2020 proposed budget at 6:00 pm in the Council Chambers at 955 rue St. Francois. Council members in attendance included: Harris, Jones, Eagan, Caputa, Schildroth, Henke, Pagano, Parson, Siam. Also in attendance were Mayor Timothy Lowery, Director of Finance Kimberlee Johnson, Assistant Finance Director Jennifer Morris and City Clerk Karen Goodwin. Council President Caputa stated that a quorum was present and the meeting was brought to order.

Parks and Recreation –

Cheryl Thompson, Parks Director, Kevin Green, Park Superintendent, Kim Hedgepath, Recreation Superintendent.

Ms. Thompson described the changes in the Park Improvement Fund compared to last year. She stated that there was a reduction for HVAC repairs and window repairs and a reduction in pavement repairs.

Councilman Eagan asked about the park grant for 2020? Ms. Thompson stated that they received the grant for the Koch splash pad and restroom and that will happen in 2020.

Discussion of concrete around the splash pad and picnic tables.

Council discussed putting the park expenses into the park improvement fund. Discussion of financial stability and bond availability with a healthy general fund.

***Councilman Henke moved to move \$501,076 from accounts 4720/4726 and 4750 to the Park improvement fund, seconded by Parson, on roll call the motion passed 5-4 with Schildroth, Pagano, Siam and Jones voting no.

***Councilman Jones moved to increase salaries and benefits in Street Fund account no 48-14440 as recommended by the Finance Director due to additional calculations, scnded by Henke, on roll call, the motion carried 5-4 with Eagan, Schildroth, Henke, Pagano voting no.

Break. 6:58... 5min.

Vehicle lease discussion

Council woman Pagano contacted some people in the industry to provide an opinion of the lease. She discussed the lease and does not feel comfortable with the “deal” that the city has been proposed. She discussed the bidding process that would be more beneficial than the current process.

***Councilman Henke moved to reconsider his vote on the proposal for the vehicle lease, seconded by Jones. On voice vote, motion carried.

Council discussed the benefits and costs of leasing fleet vehicles.

Councilman Jones moved to approve the proposal for the vehicle lease, seconded by Eagan, on roll call the motion failed 7-2. With Parson and Harris voting yes.

***Councilman Caputa moved to approve \$57,000 to Park Improvement Fund account no. 961471 for the purchase of 2 vehicles for the Park Department, seconded by Henke, on roll call, the motion passed 8-1 with Harris voting no.

5 minute break –returned at 8:01

Discussion

Councilman Jones is grateful for the grant writer position and looks forward to see that happen. Mrs. Johnson stated that the funding for the grant writer position was not included in the proposed budget.

***Councilman Caputa moved to increase 0140-16000 by \$50,000 for a contract for a grant writer, seconded by Jones. On roll call, the motion carried unanimously.

Councilman Harris asked about the possibility of private funding for the walk of history plaques and things that the city does.

GH/JC. Adjourn 812 pm.

There being no further business to discuss, Councilman Henke moved to adjourn meeting, seconded by Caputa. Meeting adjourned at 8:12 pm.

Karen Goodwin
City Clerk

***Motions made

Karen Goodwin

Subject: FW: Communications log

Good evening,

I recently reached out to the city council about my concerns and it was suggested that I also forward them to you so they can be logged in the agenda. Below is my original email, thank you for including it.

To the entire city council,

I am appalled that you all voted to close the animal shelter. Florissant has a large amount of animals that get lost (which is partly the owners fault of course however, some accidents happen) and they need help being reunited with their family. I volunteer with dog rescue/foster and know the struggles first hand of placing dogs, especially pit mixes but this is absurd. so I have a few questions regarding the future of strays and lost pets... Now what's going to happen? They're going to be sent the the DISASTER that is Stl county animal control? Their new leader has minimal job experience from what I've heard on community pages and they just let go of all the volunteers to "redo training" which lead to dogs being left to sit in their own waste for a day, if not more.

I've lived in florissant my whole life and taught here for a couple of years before switching to teach in the city so as an almost thirty year old I can already see how much this city has changed In the last decade or two and how disrespectful some of the residents have become, I say that because I know your job isn't easy, but this is low. I can't even imagine how disheartening this is to older residents who have really seen some shifts in their neighborhoods, business closing and services for the community change. These pets can't save themselves. Animal shelters may not be money makers but theres got to be another way.

Why not leave the humane service to the city and make your cuts elsewhere? Someone said it was the building location- does it need updates, sure but a whole new building seems unnecessary.

My last question is this, now who is going to show up when an irresponsible owner leaves their puppy or lab out in a snow storm to freeze to death or get bitten up by flies without water in the summer?

I want to know. I need to understand your plan for what happens now.

I know a handful of young people and business owners who are working so hard and try to do the right thing for our city and change our reputation but this is just another step backwards. You are the people who are actually supposed to make things better. Doing what I consider heartless things like this is not going to make our city any better, safer or more desirable. Please reconsider closing the shelter and find a real solution.

Thank you for your time,

Victoria Vandever-Leber
800 s Lafayette st

Sent from my iPhone

*cc to Council
12/5/19*

1 INTRODUCED BY COUNCILMAN PAGANO
2 NOVEMBER 25, 2019

3
4 BILL NO. 9560

ORDINANCE NO.

5
6 **ORDINANCE AUTHORIZING AN AMENDMENT TO TABLE XIV-L**
7 **“STOPPING, STANDING OR PARKING PROHIBITED BETWEEN 7:00**
8 **A.M. AND 5:00 P.M. ON MONDAY THRU FRIDAY” BY ADDING**
9 **CERTAIN LOCATIONS.**

10
11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLORISSANT, ST. LOUIS
12 COUNTY, MISSOURI, AS FOLLOWS:

13
14 Section 1: Title III, of the Florissant City Code, table XIV-L is hereby amended by
15 adding the following locations:

- 16 Wadsworth Drive
- 17 Thackery Court
- 18 Argo Drive
- 19 Zurich Drive
- 20 Milbank Drive
- 21 Fleming Drive
- 22 LaGrange Drive
- 23 South Castello (between St. Regis and the school property)

24
25 Section 2: This ordinance shall become in force and effect immediately upon its passage
26 and approval.

27
28 Adopted this ____ day of _____, 2019.

29
30 _____
31 Jeff Caputa
32 President of the Council

33
34
35 Approved this ____ day of _____, 2019.

36
37 _____
38 Timothy J. Lowery
39 Mayor, City of Florissant

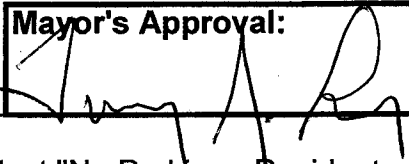
40
41 ATTEST:
42
43 _____
44 Karen Goodwin, MPPA/MMC/MRCC
45 City Clerk

FLORISSANT CITY COUNCIL

Bel # 9560

AGENDA REQUEST FORM

Date: 11/13/19

Mayor's Approval: 

Agenda Date Requested: 11/25/19

Description of request: Ordinance be changed to reflect "No Parking - Resident Parking Only 7 am - 5 pm on School Days" on the following streets: Wadsworth Drive, Thackery Court, Argo Drive, Zurich Drive, Milbank Drive, Fleming Drive, LaGrange Drive, and South Castello (between St. Regis and the school property).

Department: Street

Recommending Board or Commission: Traffic Commission

Type of request:

Ordinances	X	Other	
Appropriation		Liquor License	
Transfer		Hotel License	
Zoning Amendment		Special Presentations	
Amendment		Resolution	
Special Use Transfer		Proclamation	
Special Use		Subdivision	
Budget Amendment			

Public Hearing needed: **Yes / No** **No** **3 readings? : Yes / No** **No**

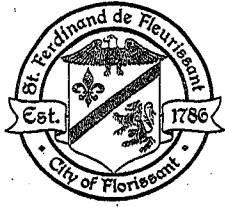
*Table XIV-L
No parking between
7AM + 5PM.*

Back up materials attached:		Back up materials needed:	
Minutes	X	Minutes	
Maps		Maps	
Memo		Memo	
Draft Ord.		Draft Ord.	

Note: Please include all attachments necessary for documents to be generated for inclusion on the Agenda. All agenda requests are to be turned in to the City Clerk by 5pm on Tuesday prior to the Council meeting.

For City Clerk Use Only:
Introduced by: _____
PH Speaker: _____

*Cc to Council Mayor
11/19/19*



City of Florissant

Honorable Timothy J. Lowery, Mayor

****MINUTES****

MAYOR'S ADVISORY TRAFFIC COMMISSION

TUESDAY, NOVEMBER 12, 2019

The Mayor's Advisory Traffic Commission met at the James J. Eagan Center, Room 2, on Tuesday, November 12, 2019, at 7:00 p.m., with Mike Mott presiding.

Members present were: Mike Mott (Ward 3), Greg Keil (Ward 4), Teri Reiter (Ward 5), Zach Schneider (Ward 7), and Kim Redden (Ward 9). Also present were Officer Topcagic, Police Department; Jason Timme, Street Department; and MaryAnn Fitzpatrick, Recording Clerk. Donna Smith-Pupillo (Ward 1) and Allen Bluiett (Ward 8) were excused. Don Adams (Ward 2) and Pete Fischer (Ward 6) were absent.

A quorum being present the chair declared the Traffic Commission was in session for the transaction of business.

Minutes of the August 13, 2019 meeting were approved as published. The September 10, 2019 and October 8, 2019 meetings were canceled due to the lack of Agenda items.

City Hall
955 rue St. Francois
Florissant, MO 63031
314.921.5700
Fax: 314.921.7111
TDD: 314.839.5142

Police Department
1700 North Highway 67
Florissant, MO 63033
314.831.7000
Fax: 314.830.6045

Parks & Recreation
#1 James J. Eagan Drive
Florissant, MO 63033
314.921.4466
Fax: 314.839.7672

Health Department
#1 St. Ferdinand Drive
Florissant, MO 63031
314.839.7654
Fax: 314.839.7656

Municipal Court
4575 Washington St.
Florissant, MO 63033
314.921.3322
Fax: 314.595.3690

www.florissantmo.com

McClure, too. Zach Schneider said that is so the kids that don't have parking spots can't just go park on those streets. Jason Timme said the problem they were having more was on Zurich and Argo when Walnut Grove parents were picking up kids and blocking driveways. He said that was the issue. He said we actually have our lighted sign board up there right now saying please don't block driveways while you're dropping off or picking up. He said it was the residents complaining about it. Mike Mott said he doesn't blame them. He said he is making a motion to pass it.

Motion was made by Mike Mott to make a recommendation to change the times on the no parking signs on the following streets to read: "*No Parking Resident Parking Only 7 am – 5 pm on School Days.*" Those streets are:

Wadsworth Drive	Thackery Court	Argo Drive
Zurich Drive	Milbank Drive	Fleming Drive
LaGrange Drive	South Castello (between St. Regis and Duchesne School)	

Motion was seconded by Kim Redden. On the roll call the commission voted: Mike Mott – yes, Greg Keil – yes, Teri Reiter – yes, Zach Schneider – yes, and Kim Redden - yes. Motion carried. Item 09/19 was dropped from the Agenda.

MISCELLANEOUS:

Jason Timme was introduced to the Traffic Commission as the representative for the Street Department.

Next Traffic Commission meeting is scheduled for December 10, 2019.

CITY OF FLORISSANT

MEMO

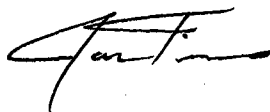
TO: Chief Timothy Fagan
Police Department

DATE: November 13, 2019

THRU: Mayor Timothy Lowery

THRU: Todd Hughes
Director of Public Works

FROM: Jason Timme
Street Superintendent



SUBJECT: No Parking Signs

The Traffic Commission has reviewed the request to change the ordinance to reflect "No Parking - Resident Parking Only 7 am - 5 pm on School Days" on the following streets at the November 13, 2019 meeting:

Wadsworth Drive	Thackery Court	Argo Drive
Zurich Drive	Milbank Drive	Fleming Drive
LaGrange Drive	South Castello (between St. Regis and the school property)	

The Traffic Commission recommended changing the signs listed above, as requested (see attached Minutes, Item 09/19).

Item 09/19

Florissant Police Department
Patrol Support Division
Memorandum

Date: 08/22/2019
To: Chief Timothy Fagan
From: Sgt. Andy Haarmann, DSN 513
Subject: No Parking Signs

Handwritten signature: fagan

Handwritten notes: 436, MAR RB 362

Sir,

The Ferguson-Florissant School District redistricted all of their schools for the start of the 2019-2020 school year. Because of that redistricting, the school start and dismissal times, and the dynamics of parent pickup and drop off have changed. The change in the dynamic has resulted in extensive backups in the neighborhoods and parents parking in the neighborhoods to pick up their children at the schools. The two schools that we have seen the worst of the problems are Duchesne School and Walnut Grove Elementary.

Both schools have "No Parking" signs with time restrictions on them; however, due to the new school times, the existing time restrictions are no longer effective. To make it uniform, I am requesting the signs on the following streets to be changed to reflect "No Parking Resident Parking Only 7am-5pm on School Days" on the following streets:

- *Wadsworth Drive*
- *Thackery Court*
- *Argo Drive*
- *Zurich Drive*
- *Milbank Drive*
- *Fleming Drive*
- *LaGrange Drive*
- *South Castello (between St. Regis and the school property)*

This will allow our officers to properly enforce the no parking regulations during the parent drop off times, which extend to 5pm at times.

Please let me know if you have any questions.

Respectfully submitted,

Handwritten signature: Sgt. Haarmann 513

Sergeant Andy Haarmann
Patrol Support Division

Florissant Police Department

Memorandum

Date: October 8, 2019

To: All Officers

From: Chief Tim Fagan

Subject: Emergency Powers- no parking signs

Copies to: Mayor Timothy Lowery - Karen Goodwin, City Clerk – Traffic Commission
– BFO Commander – Communications – Switchboard
P.O. Cameron – Tod Hughes – Tom Goldkamp – Gary Meyers – Sgt.
Andy Haarmann

Pursuant to section 305.100 of the Florissant City Code, which states:

“SEC. 305.100. EMERGENCY, ETC., REGULATIONS.

The Chief of Police by and with the approval of the city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary experimental regulation shall remain in effect for more than ninety (90) days. (CODE 305.100).”

Request was made to place “No Parking Resident Parking Only 7am-5pm on School Days) signs on the following streets.

Wadsworth Drive

Thackery Court

Argo Drive

Zurich Drive

Milbank Drive

Fleming Drive

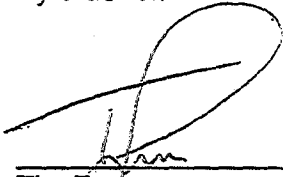
LaGrange Drive

South Castello (between St. Regis and Duchesne School).

All violations will be enforced under such powers as given to the Chief of Police under the above Section 305.100 commencing this date, August 29, 2019, at 12:01 a.m.

A copy of this notice will be placed on file in the City Clerk's Office and will be kept available for any person for public inspection.

By order of:

A handwritten signature in black ink, appearing to be 'Tim Fagan', written over a horizontal line.

Tim Fagan
Chief of Police

CITY OF FLORISSANT

MEMO

TO: Chief Timothy Fagan
Police Department

DATE: November 13, 2019

THRU: Mayor Timothy Lowery

THRU: Todd Hughes
Director of Public Works

TH 11/14/19

FROM: Jason Timme
Street Superintendent



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Zurich Drive
LaGrange Drive

Thackery Court

Milbank Drive

South Castello (between St. Regis
and the school property)

Argo Drive

Fleming Drive

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City of Florissant

Honorable Timothy J. Lowery, Mayor

****MINUTES****

MAYOR'S ADVISORY TRAFFIC COMMISSION

TUESDAY, NOVEMBER 12, 2019

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Members present were: Mike Mott (Ward 3), Greg Keil (Ward 4), Teri Reiter (Ward 5), Zach Schneider (Ward 7), and Kim Redden (Ward 9). Also present were Officer Topcagic, Police Department; Jason Timme, Street Department; and MaryAnn Fitzpatrick, Recording Clerk. Donna Smith-Pupillo (Ward 1) and Allen Bluiett (Ward 8) were excused. Don Adams (Ward 2) and Pete Fischer (Ward 6) were absent.

A quorum being present the chair declared the Traffic Commission was in session for the transaction of business.

Minutes of the August 13, 2019 meeting were approved as published. The September 10, 2019 and October 8, 2019 meetings were canceled due to the lack of Agenda items.

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Municipal Court
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314.921.3322
Fax: 314.595.3690

www.florissantmo.com

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Zurich Drive	Milbank Drive	Fleming Drive
LaGrange Drive	South Castello (between St. Regis and Duchesne School)	

Motion was seconded by Kim Redden. On the roll call the commission voted: Mike Mott – yes, Greg Keil – yes, Teri Reiter – yes, Zach Schneider – yes, and Kim Redden - yes. Motion carried. Item 09/19 was dropped from the Agenda.

MISCELLANEOUS:

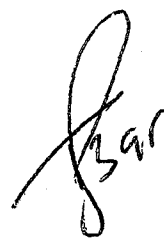
Jason Timme was introduced to the Traffic Commission as the representative for the Street Department.

Next Traffic Commission meeting is scheduled for December 10, 2019.

Item 09/19

Florissant Police Department
Patrol Support Division
Memorandum

Date: 08/22/2019
To: Chief Timothy Fagan
From: Sgt. Andy Haarmann, DSN 513
Subject: No Parking Signs



436
MAY RB 362

Sir,

The Ferguson-Florissant School District redistricted all of their schools for the start of the 2019-2020 school year. Because of that redistricting, the school start and dismissal times, and the dynamics of parent pickup and drop off have changed. The change in the dynamic has resulted in extensive backups in the neighborhoods and parents parking in the neighborhoods to pick up their children at the schools. The two schools that we have seen the worst of the problems are Duchesne School and Walnut Grove Elementary.

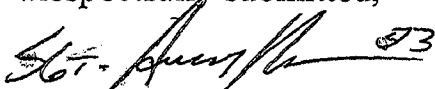
Both schools have "No Parking" signs with time restrictions on them; however, due to the new school times, the existing time restrictions are no longer effective. To make it uniform, I am requesting the signs on the following streets to be changed to reflect "No Parking Resident Parking Only 7am-5pm on School Days" on the following streets:

- Wadsworth Drive
- Thackery Court
- Argo Drive
- Zurich Drive
- Milbank Drive
- Fleming Drive
- LaGrange Drive
- South Castello (between St. Regis and the school property)

This will allow our officers to properly enforce the no parking regulations during the parent drop off times, which extend to 5pm at times.

Please let me know if you have any questions.

Respectfully submitted,



Sergeant Andy Haarmann
Patrol Support Division

Item 09/19

Florissant Police Department Patrol Support Division Memorandum

Date: 08/22/2019
To: Chief Timothy Fagan
From: Sgt. Andy Haarmann, DSN 513
Subject: No Parking Signs



JAF 436
MAY RB36Z

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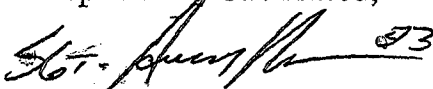
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Please let me know if you have any questions.

Respectfully submitted,



Sergeant Andy Haarmann
Patrol Support Division

1 OFFERED BY COUNCIL AS A WHOLE
2 NOVEMBER 25, 2019

3
4 BILL NO. 9562

ORDINANCE NO.

5
6 **ORDINANCE SUPPORTING THE TRANSPORTATION**
7 **IMPROVEMENT PROGRAM (TIP) APPLICATION FOR THE**
8 **FUNDING OF THE IMPROVEMENT OF RUE ST. DENIS**
9 **STREET THROUGH THE EAST-WEST GATEWAY COUNCIL**
10 **OF GOVERNMENTS AND THE MISSOURI DEPARTMENT OF**
11 **TRANSPORTATION (MoDOT)**

12
13
14 WHEREAS, the City of Florissant wishes to make improvements to rue St. Denis Street;
15 and

16
17 WHEREAS, the improvements contemplated by this agreement and designated as Project
18 STP-5622(602) involve resurfacing the road and installing new curbs, gutters, and
19 sidewalk along rue St. Denis; and

20
21 WHEREAS, the City of Florissant supports the attached Transportation Improvement
22 Program (TIP) application through the East-West Gateway Council of Governments and
23 the Missouri Department of Transportation (MoDOT) as a part of its overall effort
24 improve the quality of the roads.

25
26 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
27 FLORISSANT, AS FOLLOWS:

28
29 Section 1: The City Council endorses and supports the City of Florissant’s
30 application for federal funding of the improvements to rue St. Denis Street, from the
31 Transportation Improvement Program (TIP) through the East-West Gateway Council of
32 Governments and the Missouri Department of Transportation (MoDOT).

33
34
35 Adopted this _____ day of _____ 2019.

36
37
38 _____
Jeff Caputa, Council President

39 Approved this _____ day of _____ 2019.

40
41 _____
Timothy J. Lowery
42 Mayor

43 ATTEST

44 _____
45 Karen Goodwin, MPPA/MMC/MRCC
46 City Clerk

CCO Form: FS11
Approved: 07/96 (KMH)
Revised: 03/17 (MWH)
Modified:

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STP-5622(602)
Award Year: 2020
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
STP-URBAN PROGRAM AGREEMENT**

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Florissant, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Fixing America's Surface Transportation Act (FAST) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires to construct certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be designed and constructed in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STP-5622(602) involves:

Resurfacing the road and installing new curbs, gutters, and sidewalk along Rue St. Denis

The City shall be responsible for all aspects of the construction of the improvement.

(2) LOCATION: The contemplated improvement designated as Project STP-5622(602) by the Commission is within the city limits of Florissant, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

Rue St. Denis from North Lafayette Street to St. Ferdinand Street

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) LIMITS OF SYSTEM: The limits of the surface transportation system for the City shall correspond to its geographical area as encompassed by the urban boundaries of the City as fixed cooperatively by the parties subject to approval by the Federal Highway Administration (FHWA).

(5) ROUTES TO BE INCLUDED: The City shall select the high traffic volume arterial and collector routes to be included in the surface transportation system, to be concurred with by the Commission, subject to approval by the FHWA. It is understood by the parties that surface transportation system projects will be limited to the said surface transportation system, but that streets and arterial routes may be added to the surface transportation system, including transfers from other federal aid systems.

(6) INVENTORY AND INSPECTION: The City shall:

(A) Furnish annually, upon request from the Commission or FHWA, information concerning conditions on streets included in the STP system under local jurisdiction indicating miles of system by pavement width, surface type, number of lanes and traffic volume category.

(B) Inspect and provide inventories of all bridges on that portion of the federal-aid highway systems under the jurisdiction of the City in accordance with the Federal Special Bridge Program, as set forth in 23 U.S.C. §144, and applicable amendments or regulations promulgated thereunder.

(7) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved street and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of

the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. Any traffic signals installed on highways maintained by the Commission will be turned over to the Commission upon completion of the project for maintenance. All obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(8) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(9) CONSTRUCTION SPECIFICATIONS: Parties agree that all construction under the STP for the City will be constructed in accordance with current MoDOT design criteria/specifications for urban construction unless separate standards for the surface transportation system have been established by the City and the Commission subject to the approval of the FHWA.

(10) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(11) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act. However upon written request by the City and the written acceptance by the Commission, the Commission shall acquire right of way for the City. Upon approval of all agreements, plans and specifications by the Commission and the FHWA, the commission will file copies of said plans in the office of the county clerk: and proceed to acquire by negotiation and purchase or by condemnation any necessary right of way required for the construction of the improvement contemplated herein. All right of way acquired by negotiation and purchase will be acquired in the name of City, and the City will pay to grantors thereof the agreed upon purchase prices. All right of way acquired through condemnation proceedings will be acquired in the name of the State of Missouri and subsequently released to the City. The City shall pay into court all awards and final judgments in favor of any such condemnees. The City shall also reimburse the Commission for any expense incurred by the Commission in acquiring said right of way, including but not limited to the costs of surveying, appraisal, negotiation, condemnation, and relocation assistance benefits. Unless otherwise agreed to in writing the Commission shall have the final decision regarding the settlement amount in condemnation.

(12) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80 percent not to exceed \$1,080,000. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total

federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(13) PERMITS: The City shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(14) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(15) WORK ON STATE RIGHT OF WAY: If any contemplated improvements for Project STP-5622(602) will involve work on the state's right of way, the City will provide reproducible final plans to the Commission relating to such work.

(16) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the City of any required goals for participation by DBEs to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(17) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(19) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(20) OUTDOOR ADVERTISING: The City further agrees that the right of way provided for any STP improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(21) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(22) AUDIT REQUIREMENT: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(23) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(24) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(25) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(26) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(27) COMMISSION REPRESENTATIVE: The Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(28) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
955 Rue St. Francois
Florissant, MO 63031

- (B) To the Commission:
1590 Woodlake Drive
Chesterfield, MO 63017
Facsimile No.: (573) 522-6480

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(29) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (29) of this Agreement in every subcontract, including procurements of

materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(30) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(31) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(33) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this ___ day of _____, 20__.

Executed by the Commission this ___ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF FLORISSANT

By _____

Title _____

Title _____

ATTEST:

ATTEST:

By _____

Secretary to the Commission

Title _____

Approved as to Form:

Approved as to Form:

By _____

Commission Counsel

Title _____

Ordinance No: _____

Exhibit A - Location of Project

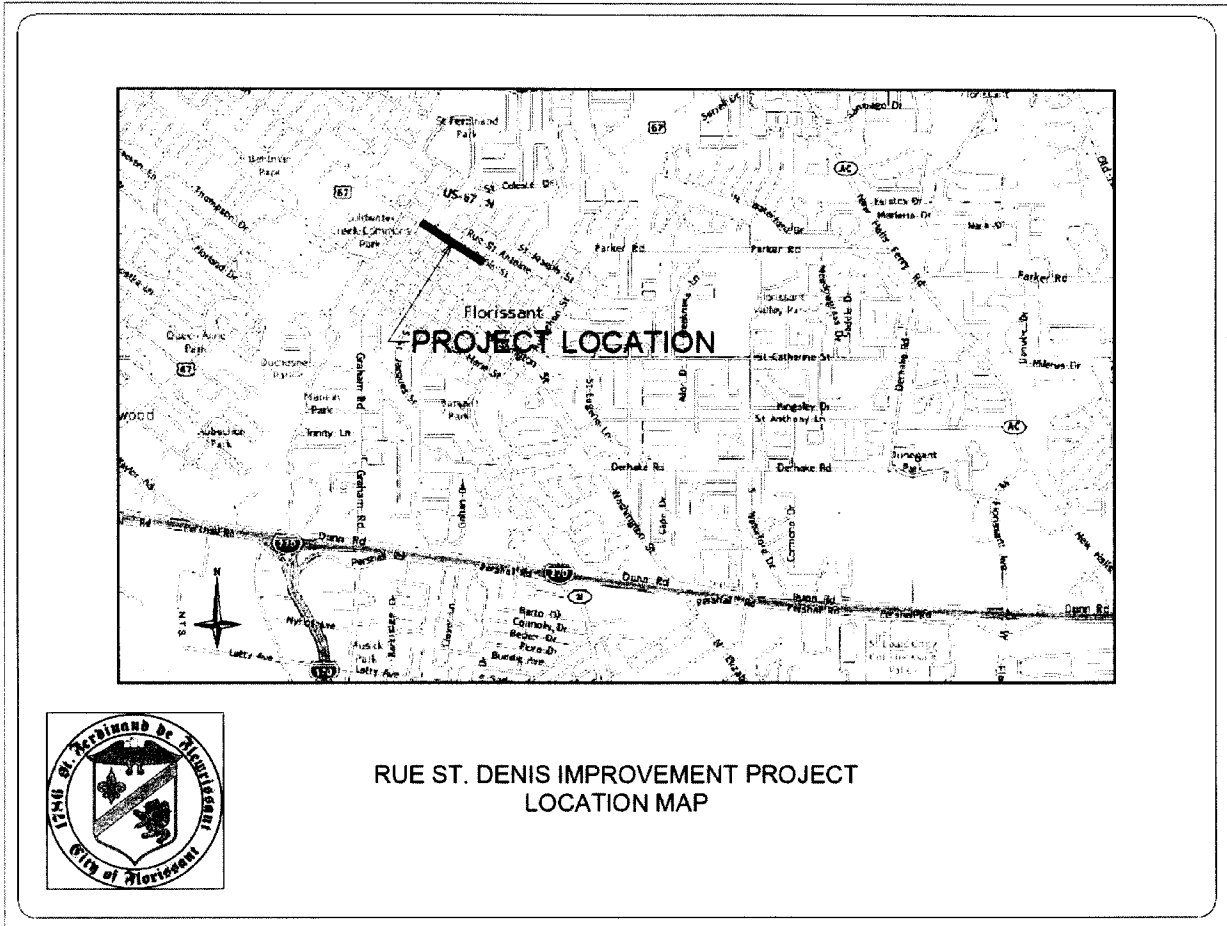


Exhibit B – Project Schedule

Project Description: STP-5622(602)

Resurfacing the road and installing new curbs, gutters, and sidewalk on Rue St. Denis from North Lafayette Street and St. Ferdinand Street.

PROJECT DEVELOPMENT SCHEDULE			
<i>Note: Many stages can occur concurrently.</i>			
Activity Description	Start Date (MM/YYYY)	Finish Date (MM/YYYY)	Time Frame (Months)
Receive notification letter	11/2018	11/2018	1
Execute agreement (project sponsor and DOT)	5/2019	7/2019	3.0
Engineering services contract submitted and approved*	8/2019	10/2019	3.0
Obtain environmental clearances (106, CE-2, etc.)	11/2019	9/2020	11.0
Public meeting/hearing	6/2020	6/2020	1.0
Develop and submit preliminary plans	11/2019	6/2020	8.0
Preliminary plans approved	7/2020	7/2020	1.0
Develop and submit right-of-way plans	6/2020	8/2020	3
Review and approval of right-of-way plans	9/2020	9/2020	1
Submit and receive approval for notice to proceed for right-of-way acquisition (A-Date)*	9/2020	10/2020	2
Right-of-way acquisition	11/2020	6/2021	8
Utility coordination	11/2019	8/2021	22
Develop and submit PS&E	9/2020	8/2021	12
District approval of PS&E/advertise for bids*	9/2021	10/2021	2
Submit and receive bids for review and approval	11/2021	12/2021	2
Project implementation/construction	1/2022	10/2022	10

* Finish date must match fiscal year for each milestone shown in **bold** text.

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

Exhibit C - Required Contract Provisions

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. **EEO Officer:** The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. **Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. **Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. **Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. **Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;

(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

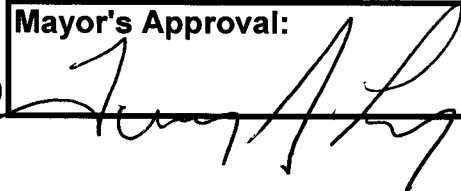
6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

FLORISSANT CITY COUNCIL

Bill # 9562

AGENDA REQUEST FORM

Date: 11-12-19 _____

Mayor's Approval:


Agenda Date Requested: 25-Nov-19

Description of request:

An ordinance is requested as a requirement to the East-West Gateway Council of Government and the Missouri Department of Transportation Transportation Improvement Program grant application for the improvement of Rue St Denis Street

Department: Public Works Engineering Division

Recommending Board or Commission: City Council

Type of request:

Ordinances		Other	X
Appropriation		Liquor License	
Transfer		Hotel License	
Zoning Amendment		Special Presentations	
Amendment		Resolution	
Special Use Transfer		Proclamation	
Special Use		Subdivision	
Budget Amendment		Ordinance	X

Public Hearing needed: No 3 readings? : No

Back up materials attached:		Back up materials needed:	
Minutes		Minutes	
Maps		Maps	
Memo		Memo	
Draft Ord.	X	Draft Ord.	

Note: Please include all attachments necessary for documents to be generated for inclusion on the Agenda. All agenda requests are to be turned in to the City Clerk by 5pm on Tuesday prior to the Council meeting.

For City Clerk Use Only:
 Introduced by: _____
 PH Speaker: _____

*Ce to Council/minutes
11/29/19
KJ*

1 INTRODUCED BY COUNCILMAN CAPUTA
2 NOVEMBER 25, 2019

3
4 BILL NO. 9564

ORDINANCE NO.

5
6 **AN ORDINANCE AMENDING SECTION 405.125 OF THE ZONING**
7 **CODE TO ESTABLISH ADDITIONAL REQUIREMENTS FOR “SHORT**
8 **TERM LOAN ESTABLISHMENTS”**
9

10 WHEREAS, the City Council previously adopted legislation regulating short term loan
11 establishments; and

12 WHEREAS, the City Staff and the City Council have received information causing it to
13 conclude that the lending and marketing practices of short term loan establishments can result in
14 serious financial hardship to some of its citizens, particularly its elderly and low income citizens,
15 from which they cannot extract themselves, can perpetuate poverty, can perpetuate the
16 dependency upon public financial assistance, housing, health care, and social services, and can
17 perpetuate the physical and emotional deterioration of the City’s neighborhoods; and

18 WHEREAS, the City has received information that the patterns of short term loan
19 establishments suggest the industry targets low income citizens who are most likely to suffer
20 financial hardship as a result of the lending practices small loan products offer by short term loan
21 establishments; and

22 WHEREAS, the Planning and Zoning Commission of the City of Florissant at their
23 meeting of October 21, 2019 has recommended that the Zoning Code be amended by redefining
24 “short term loan establishments” to include additional regulations; and

25 WHEREAS, notice of a public hearing no. 19-11-030 on the Zoning Code Amendment
26 was duly published and commenced on November 25, 2019; and

27 WHEREAS, the City Council recognizes that the State of Missouri regulates short term
28 loan establishments in certain regards, but further recognizes that those State regulations do not
29 meet the level of restriction seen in adjacent states, nor do they adequately protect the City’s
30 citizens from certain lending and marketing practices of short term loan establishments, nor do
31 they adequately protect the City’s commercial and residential neighborhoods from the
32 deteriorating effects of the presence and proliferation of short term loan establishments; and

33 WHEREAS, the City Council, following said public hearing and after due and careful
34 consideration, has concluded that the proposed amendment to the definition of “short term loan
35 establishments” would be in the best interests of the City of Florissant and will not adversely
36 affect the health, safety, morals and general welfare of the City; and

37 WHEREAS, the City Council further finds that the additional regulation of short term
38 loan establishments is necessary for the promotion and protection of the public health, safety and
39 welfare of its citizens, its interests and those of its citizens in maintaining the quality of its
40 commercial and residential neighborhoods.

41 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
42 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

43
44 Section 1: Section 405.125(K) "Special Use Permits" is hereby amended by deleting
45 Paragraph 44 "Short Term Loan Establishments" as currently written and substituting the
46 following in lieu thereof:

47 *Short Term Loan Establishments*, provided, and subject to the following:

- 48
49 (a) two (2) fully operational, state-of-the-art security cameras shall be installed to
50 monitor and clearly record the activities at all times and the recordings shall be
51 kept for a minimum of thirty (30) days;
- 52 (b) a panic alarm wired to the Florissant Police Department or a reputable security
53 firm that is acceptable to the Florissant Police Department shall be installed;
- 54 (c) no more than ten percent (10%) of the windows can be obstructed with signs so as
55 to interfere with visibility into the businesses;
- 56 (d) post and enforce a no-loitering policy on the premises;
- 57 (e) a notice printed in not less than 24-point bold type 2 shall be posted within 3 feet
58 of a location within the premises at which a customer, borrower or other member
59 of the general public is invited or directed to stand or sit to either apply for a loan,
60 to answer or ask questions, to review or sign transaction documents, to receive
61 loan proceeds, to make payments or to inquire about, or apply for, the renewal of
62 the rolling over of a loan, which sets forth the following information:
- 63 i. the word "WARNING" in bold capital letters;
- 64 ii. information that this establishment is a short term loan
65 establishment and is not a federally chartered bank, savings and
66 loan association, or credit union;
- 67 iii. the interest rates and fees charged;
- 68 iv. the annual percentage rate equivalent of the aggregate of those
69 interest rates and fees charged per \$100.00 borrowed;
- 70 v. a computation of the amounts that would be paid on an original
71 loan renewed or rolled over after the expiration of its original term
72 without any payment of either principal or interest each time, up to
73 the six times;
- 74 vi. a warning that default may result in loss of property used as a
75 security for the loan and garnishment of wages and checking and
76 savings accounts; and
- 77 vii. alternative to short term loans shall be provided upon request.
- 78 (f) Short term loan establishments will not be permitted if the total number of short
79 term loan establishments exceeds one (1) per ten thousand (10,000) population in

80 the City or if the location of the short term loan establishment is within two (2)
81 miles of another short term loan establishment.

82
83 Section 2: This ordinance shall become in force and effect immediately upon its passage
84 and approval.

85
86 Adopted this ____ day of _____, 2019.

87
88
89
90 _____
91 Jeff Caputa
92 Council President

93
94 Approved this ____ day of _____, 2019.

95
96
97
98 _____
99 Timothy J. Lowery
100 Mayor, City of Florissant

101 ATTEST:
102
103 _____
104 Karen Goodwin, MPPA/MMC/MRCC
105 City Clerk

CITY OF FLORISSANT



NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Florissant, MO, in the Council Chambers, 955 Rue St. Francois, on Monday, November 11, 2019 at 7:30 P.M. on the following proposition:

To amend the Zoning Code to add signage regulations to restrict Short Term Loan establishments. Citizens and parties of interest will have the opportunity to be heard at said public hearing. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or TDD 839-5142. CITY OF FLORISSANT.

Karen Goodwin, CMC, City Clerk.

314.444.7600 (phone)
314.241.6056 (fax)
www.lewisrice.com

LEWIS RICE_{LLC}

Attorneys at Law

600 Washington Avenue
Suite 2500
St. Louis, Missouri 63101

MEMORANDUM

PRIVILEGED AND CONFIDENTIAL

TO: Phil Lum

CC: Mayor Tim Lowery
Todd Hughes
Karen Goodwin

FROM: John Hessel

DATE: October 14, 2019

RE: Additional Regulation of Short Term Loan Establishments

As we discussed when we met on October 9, 2019, several individuals, including a representative from St. Rose Church and David Lander with St. Louis University, approached former Mayor Schneider and Councilmember Robert Parson to discuss additional regulations of short term loan establishments. They proposed an ordinance which would significantly amend the licensing and regulation of short term loan establishments. A copy of the proposed Ordinance is attached for your reference.

I reviewed the proposed Ordinance and determined that it was too far-reaching, thereby raising a myriad of legal issues about the enforcement of the proposed regulations. For example, it suggested that the City should create a commissioner who would appoint inspectors and promulgate regulations for all short term loan establishments. It would also add a new permitting requirement and a fee with additional inspections. It would also impose fines ranging from \$100 to \$500 or imprisonment in jail for violation of any of the proposed regulations.

The proposed Ordinance also suggests that owners and operators of short term loan establishments be obligated to post "No Loitering" signs and to post signs warning customers of the charges and the consequences of the failure to pay the fees associated with the loan. I suggest that the Planning and Zoning Commission and the City Council consider these additional requirements regarding signage. Accordingly, I suggest that the following amendments be presented to the Planning and Zoning Commission for their recommendation to the City Council:

Section 405.125(K) "Special Use Permits" is hereby amended by deleting Paragraph 44 "Short Term Loan Establishments" as currently written and substituting the following in lieu thereof:

LEWIS RICE LLC

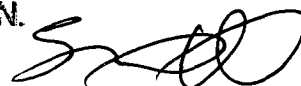
Short Term Loan Establishments, provided, and subject to the following:

- (a) two (2) fully operational, state-of-the-art security cameras shall be installed to monitor and clearly record the activities at all times and the recordings shall be kept for a minimum of thirty (30) days;
- (b) a panic alarm wired to the Florissant Police Department or a reputable security firm that is acceptable to the Florissant Police Department shall be installed;
- (c) no more than ten percent (10%) of the windows can be obstructed with signs so as to interfere with visibility into the businesses;
- (d) post and enforce a no-loitering policy on the premises;
- (e) a notice printed in not less than 24-point bold type 2 shall be posted within 3 feet of a location within the premises at which a customer, borrower or other member of the general public is invited or directed to stand or sit to either apply for a loan, to answer or ask questions, to review or sign transaction documents, to receive loan proceeds, to make payments or to inquire about, or apply for, the renewal of the rolling over of a loan, which sets forth the following information:
 - i. the word "WARNING" in bold capital letters;
 - ii. information that this establishment is a short term loan establishment and is not a federally chartered bank, savings and loan association, or credit union;
 - iii. the interest rates and fees charged;
 - iv. the annual percentage rate equivalent of the aggregate of those interest rates and fees charged per \$100.00 borrowed;
 - v. a computation of the amounts that would be paid on an original loan renewed or rolled over after the expiration of its original term without any payment of either principal or interest each time, up to the six times;
 - vi. a warning that default may result in loss of property used as a security for the loan and garnishment of wages and checking and savings accounts; and
 - vii. alternative to short term loans shall be provided upon request.
- (f) Short term loan establishments will not be permitted if the total number of short term loan establishments exceeds one (1) per ten thousand (10,000) population in the City or if the location of the short term loan establishment is within two (2) miles of another short term loan establishment.

Please contact me if you have any questions or want to discuss this matter with me.

RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

SIGN.

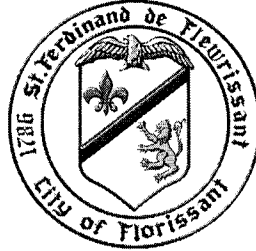


DATE:

10-21-19

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MEMORANDUM



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7

CITY OF FLORISSANT- Building Division

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

8

To: Planning and Zoning Commissioners Date: October 15, 2019

9
10

From: Philip E. Lum, AIA-Building Commissioner c: Todd Hughes, P.E.,
Director Public Works
Deputy City Clerk
Applicant
File

11
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Subject: Request Recommended Approval to amend the zoning code to add signage regulations to restrict Short Term Loan establishments.

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STAFF REPORT
CASE NUMBER PZ-102119-3

21

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23

24

I. PROJECT DESCRIPTION:

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This is a request for recommendations for a change in the **Zoning Code** to amend the zoning code to add signage regulations to restrict Short Term Loan establishments.

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II. EXISTING CONDITIONS:

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It comes to the attention of staff that several individuals met with the City Attorney to explore additional regulation of Short Term Loan Establishments. Changes to the Zoning Code require review by the Planning & Zoning Commission for recommendations.

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Short Term Loan establishments are Special Uses in certain Zoning Districts. Also, they are currently restricted by both distance and number per capita.

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Staff therefore recommends revising the zoning code as a result of research and review by the City Attorney. Staff recommends changing the zoning code to mandate that signs

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40 be posted on the premises indicating no loitering and a notice regarding the pitfalls of
41 entering into a loan agreement that may be non-advantageous. Please refer to item (d)
42 and (e) of the letter of recommendation by John Hessel dated October 14, 2019.

43 **Suggested Motion:**

44 I move to recommend approval to amend Title IV "Land Use" of the Florissant City
45 Code, consistent with the recommendations of staff, outlined in the memorandum from
46 John Hessel, dated October 14, 2019, ~~with the following conditions being part of the~~
47 ~~record:~~

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(End report and suggested motion)

1 INTRODUCED BY COUNCILMAN HENKE
2 NOVEMBER 25, 2019

3
4 BILL NO. 9565

ORDINANCE NO.

5
6 **ORDINANCE AUTHORIZING AN AMENDMENT TO SECTION 405.161**
7 **(D) “HISTORIC BUSINESS DISTRICT, SUBSECTION 6 “SPECIAL USE**
8 **PERMITS” BY ADDING A NEW USE “STATE SUBSTANCE**
9 **AWARENESS TRAFFIC OFFENDER PROGRAM, PROBATION**
10 **SERVICE, THEFT OFFENSE, DOMESTIC VIOLENCE AND**
11 **SUBSTANCE ABUSE SERVICE ESTABLISHMENTS.**
12

13 WHEREAS, the Planning and Zoning Commission of the City of Florissant at their
14 meeting of November 4th, 2019 has recommended that the Zoning Code be amended by a new
15 special use in the Historic Business district; and

16 WHEREAS, notice of a public hearing no. 19-11-031 on the Zoning Code Amendment
17 was duly published and commenced on November 25, 2019; and

18 WHEREAS, the City Council further finds that the addition of this Special Use in the
19 Historic Business District is necessary for the promotion and protection of the public health,
20 safety and welfare of its citizens, its interests and those of its citizens in maintaining the quality
21 of its commercial and residential neighborhoods.

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
24

25 Section 1: An amendment to Section 405.161 (D) “Historic Business District,
26 Subsection 6 “Special Use Permits” by adding a new use to read as follows and re numbered
27 accordingly:
28

29 **“State Substance Awareness Traffic Offender Program, Probation service, Theft**
30 **offense, Domestic Violence and Substance Abuse Service establishments”.**
31

32 Section 2: This ordinance shall become in force and effect immediately upon its passage
33 and approval.

34 Adopted this ____ day of _____, 2019.

35 _____
36 Jeff Caputa, Council President

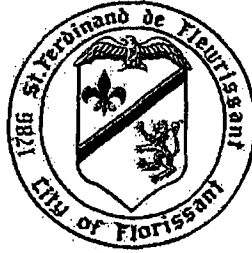
37
38
39 Approved this ____ day of _____, 2019.

40 _____
41 Timothy J. Lowery, Mayor

42 ATTEST:

43
44 _____
45 Karen Goodwin, MPPA/MMC/MRCC
46 City Clerk

ZONING AUTHORIZATION



CITY OF FLORISSANT- BUILDING DIVISION

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

I, as the owner or authorized agent for the property described below, do hereby certify that I have the authority to make this application for zoning authorization for the activity described below and as shown on any attached plans, documents or descriptions, that the information provided is correct and that any use or construction will conform to the regulations of the Florissant Zoning Code, Chapter 405, as applicable:

<https://www.ecode360.com/28082280?highlight=405&searchId=13635529016766742#28082280>

Property Address: 699 Rue St Francois Zoning District: _____

Applicant's Name: EMASS Applicant's Email: sm.themass@gmail.com

Applicant's Address: 8 Westbury Dr St Charles Phone #: 636-946-2815

Property Owner's Name: Ann Thomas Smith Owner's Email: sm.themass@gmail.com

Property Owner's Address: P.O. Box 2005 St Charles 63302 Phone #: 636-262-5679

Proposed Use: Counseling Detailed description of Use: Healthcare Provider

for SATOP. Private Probation Services. We provide substance abuse counseling.

We can do our drug screenings at alternate locations.
(Provide attachments necessary to adequately describe the proposed Use of the property.)

This application authorizes the Building Commissioner or designee to perform reasonable site inspections as required to determine compliance with the conditions applicable to this application. Further, I understand that any deviation from the application as requested shall require the express written approval of the Zoning Administrator.

Ann Thomas Smith
Signature

Ann Thomas Smith
Printed Name

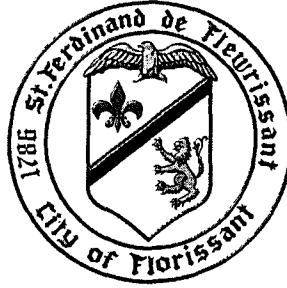
10-7-19
Date

OFFICE USE ONLY BELOW

Received by: _____ Date: _____ Authorization Conditions: _____

Signature of Building Commissioner or Designee: _____ Date: _____

FLORISSANT PLANNING & ZONING COMMISSION APPLICATION



City Of Florissant – Public Works 314-839-7648

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

Application is hereby made to the Building Commissioner, Department of Public Works at the City of Florissant, Missouri, to appear before the Planning & Zoning Commission.

Please Print neatly or Type the Following Information:

Property Address: All 'HB' Historic Business District Addresses

Petitioner's Name: Ann Thomas-Smith, Vice Pres. Phone/email: smithemass@gmail.com 636-946-2815

Property Owners Address: 8 Westbury Drive, St Charles, MO 63301

Business Owners Name: EMASS Phone/email: office@dwi-emass.com 636-946-2815

Business Owners Address: 8 Westbury Drive, St Charles, MO 63301

DBA (Doing Business As) EMASS

David Neumann

Authorized Agents Name: *Ann Thomas-Smith* Co. Name: EMASS
(Authorized Agent to Appear Before the Commission)

Agents Address: P.O. Box 2005 St Charles MO 63302 Phone/email: smithemass@gmail.com
636-262-5079

Request "Recommended Approval to change the Zoning Code to add State Substance Awareness Traffic Offender Program, probation service, theft offense, domestic violence and substance abuse as a Special Use in the 'HB' Historic Business District"

State complete request (print or type only).

IF A TRAFFIC STUDY IS REQUIRED FOR CERTAIN DEVELOPMENTS AND USES THE COST OF THE TRAFFIC STUDY SHALL BE PAID BY THE APPLICANT. PLEASE SUBMIT FOLDED PLANS

Ann Thomas-Smith
Applicant's Signature

10/31/19
Date

Received by: *Jey* Receipt # 6217739 OFFICE USE ONLY Amount Paid: \$300 Date: 10-31-19

STAFF REMARKS: _____

COMMISSION ACTION TAKEN:

DATE APPLICATION REVIEWED: _____

Addendum

It should be noted that a zoning authorization was granted and approved by Phillip Lum on June 19, 2019 and a copy is appended to this application. It should also be noted that Petitioners paid for an occupancy report on June 19, 2019 and a copy of same is appended to this application. There was also a fire inspection performed, a copy of which the City of Florissant has.

As well as SATOP (Substance & Awareness Traffic Offender Program), EMASS also offers counseling for the following matters as well:

1. Probation service;
2. Theft offenses;
3. Domestic Violence; and
4. Substance abuse.

EMASS is certified by the State of Missouri, Department of Behavioral Health and they are recognized as a health care provider by their liability and worker's compensation insurance carrier. Enclosed are copies of corporate certificate, correspondence from the Department of Mental Health, and the certificate of liability insurance and a certificate by the Department of Mental Health showing EMASS is a certified out-patient treatment program.

EMASS has been in our community for over 25 years. They purchased a building on St. Francois Street that had been vacant for at least 6 years and invested a substantial amount of funds, in the purchase and upgrading of the building. The Petitioners were assured that all was in order as witnessed by the authorization signed by Phillip Lum. It should be noted that there is already a counseling business on St. Francois Street. To deny EMASS the use of this building will cause severe financial hardship to EMASS. Petitioners are requesting that either a special use permit or a variance be granted and that their petition be read 3 times in one meeting to expedite matters. The services offered are just as much counseling as they are educational.

Petitioners relied on the authorization granted by the City and for the City to issue a cease and desist order stopping the operation of the business on St. Francois Street is grossly inequitable and unjust under all the circumstances.

Your consideration is appreciated.



RECEIPT

CITY OF FLORISSANT
955 RUE ST. FRANCOIS STREET
FLORISSANT, ST. LOUIS COUNTY, MO 63031

Date: 6/19/19

Name Ann Thomas Smith

Address 699 Rue St Francois

City Flor State MO Zip 63031

Table with 4 columns: Qty, Description, Unit Cost, Total. Includes entries for BUSINESS / LIQUOR / SOLICITOR / VENDING, RENTAL/ SIGNS / RECORD CHECK / VPR, COMM OCCUPANCY INSPECTION / PERMIT (1 unit, 150.00 total), BUILDING PERMIT / EXTENSION, MIN. HOUSING / EXCAV / SPEC PERMIT / P & Z, RESIDENT / OCCUPANCY PERMIT, REDEMPTION / MAINTENANCE / SR BUS TRIP, SR TRIP / SR LUNCH / SR DANCE, RETURNED CHECKS / CHECK CHARGE, JJE THEATRE DEPOSIT, JJE THEATRE RENT / TICKETS, and a 'Same' entry.

955 Rue St. Francois
Florissant, MO 63031

Phone: 314.839.7648
Fax: 314.839.7646
mcurran@florissantmo.com



CITY OF FLORISSANT
Mike Curran
Multi-Building Inspector

Cash [checked] Check # Per 100

NO. 619793

PART 2

MICHAEL L. PARSON
GOVERNOR



MARK STRINGER
DIRECTOR

RICHARD N. GOWDY, Ph.D.
DIRECTOR
DIVISION OF
BEHAVIORAL HEALTH
(573) 751-9499
(573 751-7814 FAX)

STATE OF MISSOURI
DEPARTMENT OF MENTAL HEALTH

1706 EAST ELM STREET
P.O. BOX 687
JEFFERSON CITY, MISSOURI 65102
(573) 751-4122
(573)751-8224 FAX
www.dmh.mo.gov

July 24, 2019

Michael Smith, President
Eastern MO Alternative Sentencing Services, Inc.
8 Westbury Drive, Suite B
St. Charles, MO 63301

RE: Funding Allocations for the following Contract: ADA-ER02030014, SATOP

Dear Mr. Smith:

The Division of Behavioral Health - ADA FY2020 SATOP allocation(s) for your agency are listed below. It will be necessary for you to monitor and stay within your allocated amount. You may monitor your allocations in CIMOR at any time by expanding My Organization and clicking on Allocations. If additional dollars are needed for your agency to finish the fiscal year, please submit a written request explaining why the additional funds are needed.

<u>Service Category</u>	<u>Annual Allocation</u>
ADA SATOP	\$300,000
ADA SATOP Serious or Repeat Offender / Level IV	\$280,000
ADA SATOP Weekend Intervention (WIP)	\$65,000
	<hr/>
	\$645,000

A 1.5% Provider Rate increase was appropriated for FY2020 effective July 1, 2019.

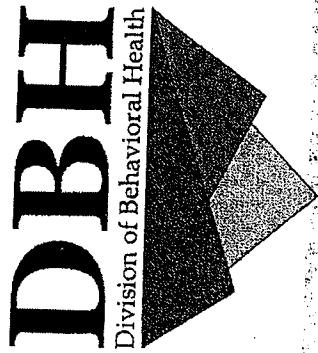
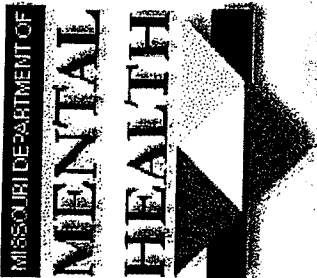
If you should have any questions, please contact Becky Wolken at 573-526-6961.

Sincerely,

Laurie D. Epple
Deputy Director of Administration
Division of Behavioral Health

LDE:cw

An equal opportunity employer, services provided on a nondiscriminatory basis.



Having demonstrated compliance with certification standards for organizations providing substance use disorder treatment

Eastern Missouri Alternative Sentencing Services, Inc.

is fully certified by

The Department of Mental Health
Division of Behavioral Health

to provide the following substance use disorder Outpatient Treatment at the following levels of care:

- Intensive Outpatient Rehabilitation
- Supported Recovery



2371

Certificate Number

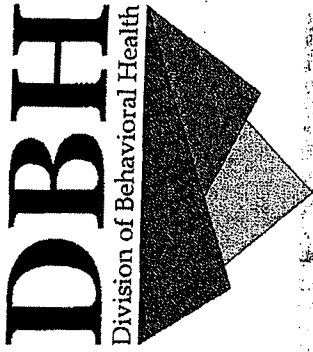
December 1, 2016 - November 30, 2019

Date

Quinn S. Waigal
Deputy Director



Having demonstrated compliance with certification standards for organizations providing substance use services



Eastern Missouri Alternative Sentencing Services, Inc.

is fully certified by

**The Department of Mental Health
Division of Behavioral Health**

to provide the following:

- Required Educational Assessment and Community Treatment Programs (REACT)
- REACT Screening Unit (RSU)
- REACT Education Program (REP)



2371

Certificate Number

December 1, 2016 - November 30, 2019

Date


Deputy Director

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

EASTERN MISSOURI ALTERNATIVE SENTENCING SERVICES, INC.
00352398

was created under the laws of this State on the 24th day of April, 1991, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 23rd day of October, 2019.


Secretary of State



Certification Number: CERT-10232019-0069

General Liability/Professional Liability

Issuing Company: Philadelphia Indemnity Insurance Company
Policy Term: 6/25/19 to 6/25/20
Policy #: TBD

Limits

Commercial General Liability – Claims Made	
General Aggregate Limit	\$2,000,000
Products/Completed Operations Aggregate Limit	\$2,000,000
Personal/Advertising Injury Limit	\$1,000,000
Each Occurrence	\$1,000,000
Damage to Premises Rented To You	\$100,000
Medical Expense Limit	\$5,000
Retroactive Date	1/25/11
Bodily Injury Deductible	\$5,000 Per Claim
Professional Liability – Claims Made	
Each Professional Incident	\$1,000,000
Aggregate	\$2,000,000
Retroactive Date	1/25/11
Sexual/Physical Abuse/Molestation – Occurrence	
Occurrence	\$1,000,000
Aggregate	\$2,000,000

Hazard Schedule

Loc #	Bldg #	Class Code	Classification	Rating Basis	Annual Exposure
1	1	44440	Health Care Facility - Outpatient-NFP	Area - Per 1,000/Sq Ft	1500
1	1	61227	Bldg/Premise-Office-NOC-NFP	Area - Per 1,000/Sq Ft	5500
1	1	47367	Sales/Service Organization	Payroll - Per \$1,000/Pay	\$2,414,222
2	1	44440	Health Care Facility - Outpatient-NFP	Area - Per 1,000/Sq Ft	1300
2	1	61227	Bldg/Premise-Office-NOC-NFP	Area - Per 1,000/Sq Ft	200
3	1	44440	Health Care Facility - Outpatient-NFP	Area - Per 1,000/Sq Ft	2000
3	1	61227	Bldg/Premise-Office-NOC-NFP	Area - Per 1,000/Sq Ft	200

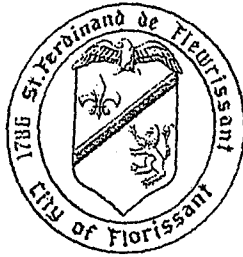


Eastern Missouri Alternative Sentencing Services, Inc., dba EMASS, Inc.

June 7, 2019

Page 12

ZONING AUTHORIZATION



CITY OF FLORISSANT- BUILDING DIVISION

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

I, as the owner or authorized agent for the property described below, do hereby certify that I have the authority to make this application for zoning authorization for the activity described below and as shown on any attached plans, documents or descriptions, that the information provided is correct and that any use or construction will conform to the regulations of the Florissant Zoning Code, Chapter 405, as applicable:

<https://www.ecode360.com/28082280?highlight=405&searchId=13635529016766742#28082280>

Property Address: 699 Rue St. Francois Zoning District: HB

Applicant's Name: EMASS Applicant's Email: smithemass@gmail.com

Applicant's Address: 8 Westberry Dr St Charles Phone #: 636 946-2815

Property Owner's Name: Grand 3819 Ann Thomas-Smith Owner's Email: anntomas1@gmail.com

Property Owner's Address: P.O. Box 20205 Phone #: 636-262-5679

Proposed Use: Counseling/Probation Detailed description of Use: _____

Substance Abuse Counseling SATOP. Private Probation
Driver Improvement Classes

(Provide attachments necessary to adequately describe the proposed Use of the property.)

This application authorizes the Building Commissioner or designee to perform reasonable site inspections as required to determine compliance with the conditions applicable to this application. Further, I understand that any deviation from the application as requested shall require the express written approval of the Zoning Administrator.

Ann Thomas Smith Ann Thomas-Smith 6/19/19
Signature Printed Name Date

OFFICE USE ONLY BELOW

Received by: [Signature] Date: 6/19/19 Authorization Conditions: None

Signature of Building Commissioner or Designee: [Signature] Date: 6/19/19

Philip Lum

From: Philip Lum
Sent: Tuesday, October 29, 2019 5:59 PM
To: Ann MAS
Cc: Tim Lowery; Todd Hughes
Subject: EMASS 699 Rue St Francois
Attachments: EMASS Change Zoning Code Application.doc

Dear Ann,

Thank you both for meeting again with us today and for submitting detailed information about the state regulations for this proposed Use, however, the City has not altered the Zoning Determination for this property because the Uses proposed are not listed in the 'HB' Historic Business District as a Permitted or Special Use.

The 'B-3' Extensive Business District, in which you formerly operated, currently contains this description as a Special Use, see 405.125, K,:

"4. Alcohol and/or drug abuse treatment facilities designed to provide outpatient facilities for the treatment of alcohol and/or other drugs that are located on the property that is not closer than one thousand (1,000) feet to any other substance abuse treatment facility, church, school or park and conforms to all State and Federal Statutes and is certified by the State of Missouri."

Today, we suggested that you apply to change the zoning code to add, as a Special Use in the 'HB' District, a use that describes your particular business type. The remaining P&Z meetings for 2019 are scheduled for November 4, 18 and December 2 at 7 p.m. We have assisted by partially completing the attached P&Z application, please complete it and submit it along with the \$300 fee to change the Zoning Code. Please be very specific as to the Use you propose. As an example, the attached now simply requests a "SATOP establishment" on the attached form. Please revise this description and submit with fees before end of business Thursday for this item to be included on next Monday's agenda.

We have, at your request, reviewed some properties available in the 'B-3' District should you be interested, please let us know.

Philip E. Lum, AIA
Building Commissioner
955 Rue St. Francois
Florissant, MO 63031
314-839-7642
plum@florissantmo.com

From: Ann MAS [<mailto:smithemass@gmail.com>]
Sent: Thursday, October 17, 2019 12:55 PM
To: Philip Lum
Subject: Fwd: core standards and professional standards

----- Forwarded message -----

From: **Stephanie Roper** <sroper@dwi-emass.com>
Date: Thursday, October 17, 2019
Subject: core standards and
To: Ann Thomas Smith <asmith@dwi-emass.com>, Michael Smith <michaelemass@aol.com>

Philip Lum

From: Ann MAS <smithemass@gmail.com>
Sent: Monday, October 07, 2019 4:08 PM
To: Philip Lum
Subject: Fwd: Message from "RNP002673DF696A"
Attachments: 20191007154813412.pdf

Mr. Lum,

The State of Missouri considers us a Healthcare Provider. We contract with the Dept of Mental Health. Please see attached the application for occupancy with supportive documents that include the fact that our Workers Comp and Umbrella policies with Missouri Employers Mutual and Philadelphia consider us Healthcare Facilities.

It is my most hopeful desire to have this resolved as quickly as possible.

Please let me know if you have any questions, or I can provide any additional information.

Respectfully,
Ann

--
Ann Thomas-Smith
Vice President
EMASS
8 Westbury Drive
St Charles, MO 63301
636-946-2815
636-352-2072 fax
smithemass@gmail.com
dwi-emass.com

The information contained in this e-mail message, including any attachments, may contain information that is legally privileged or exemption from disclosure from applicable law. If you are not the intended recipient of this e-mail or have received this e-mail in error, you are hereby notified that any reading, use or dissemination of this message is strictly prohibited. If you have received this message in error, please notify the sender at 636-946-2815 and delete this e-mail message from your computer.

Philip Lum

From: Ann MAS <smithemass@gmail.com>
Sent: Monday, September 16, 2019 3:57 PM
To: Philip Lum
Subject: Re: 699 Rue St Francois- proposed business uses

We do not do drug testing. We do individual and group substance abuse counseling.

On Mon, Sep 16, 2019 at 11:37 AM Philip Lum <plum@florissantmo.com> wrote:

I requested additional information because counseling for medical illnesses is permitted, but SATOP services may not be permitted, because as I currently understand these services, drug testing may be involved and the counseling services provided may or may not be for medical purposes. Please use the form to describe or by separate means provide information on SATOP and provided detailed information.

Philip E. Lum, AIA

Building Commissioner

955 Rue St. Francois

Florissant, MO 63031

314-839-7642

plum@florissantmo.com

From: Ann MAS [<mailto:smithemass@gmail.com>]
Sent: Friday, September 13, 2019 8:02 PM
To: Philip Lum
Subject: Re: 699 Rue St Francois- proposed business uses

I believe we were approved in July but it took us a few months to get started?

We are not a educational development center?

We provide SATOP services.

Please feel free to call my cell phone at 636-262-5679, with additional questions.

Thanks,

Philip Lum

From: Ann MAS <smithemass@gmail.com>
Sent: Friday, September 13, 2019 8:02 PM
To: Philip Lum
Subject: Re: 699 Rue St Francois- proposed business uses

I believe we were approved in July but it took us a few months to get started?
We are not a educational development center?
We provide SATOP services.
Please feel free to call my cell phone at 636-262-5679, with additional questions.
Thanks,
Ann

On Wednesday, September 11, 2019, Philip Lum <plum@florissantmo.com> wrote:

Ms Smith,

It comes to my attention that you have proposed a business that may not be a Permitted Use or a Special Use in the 'HB'- Historic Business District. You may provide additional detailed information regarding your proposed business if I have misunderstood it, but the City must make determination of the Use prior to issuance of a Certificate of Occupancy or Business License.

You provided a very limited description of the business stating: "counseling/probation, substance abuse counseling SATOP Private Probation Driver Improvement Classes", thereby making it difficult to determine zoning. Attached is a new form, please revise and resubmit.

Some counseling establishments exist in the Historic Business District as "Medical or dental offices, clinic, pharmacy or services" under the zoning code . Please provide detailed information regarding the type of counseling you provide and if I can determine if the counseling fits this Zoning category. Who is the counseling provided by, what qualifications does the provider have and is the service medical related and is it compensated by medical insurance?

In addition, Educational Development Centers are prohibited in the 'HB' Zoning District. Therefore, the classroom function of this proposed business would not be permitted. As I understand "SATOP Private Probation Driver Improvement Classes", drug screening and classrooms for education are both functions that are not permitted Use in the Zoning Code.

Philip E. Lum, AIA

Philip Lum

From: Philip Lum
Sent: Wednesday, September 11, 2019 11:01 AM
To: 'smithemass@gmail.com'
Subject: 699 Rue St Francois- proposed business uses
Attachments: Zoning Application fillable pdf.pdf

Ms Smith,

It comes to my attention that you have proposed a business that may not be a Permitted Use or a Special Use in the 'HB' - Historic Business District. You may provide additional detailed information regarding your proposed business if I have misunderstood it, but the City must make determination of the Use prior to issuance of a Certificate of Occupancy or Business License.

You provided a very limited description of the business stating: "counseling/probation, substance abuse counseling SATOP Private Probation Driver Improvement Classes", thereby making it difficult to determine zoning. Attached is a new form, please revise and resubmit.

Some counseling establishments exist in the Historic Business District as "Medical or dental offices, clinic, pharmacy or services" under the zoning code . Please provide detailed information regarding the type of counseling you provide and if I can determine if the counseling fits this Zoning category. Who is the counseling provided by, what qualifications does the provider have and is the service medical related and is it compensated by medical insurance?

In addition, Educational Development Centers are prohibited in the 'HB' Zoning District. Therefore, the classroom function of this proposed business would not be permitted. As I understand "SATOP Private Probation Driver Improvement Classes", drug screening and classrooms for education are both functions that are not permitted Use in the Zoning Code.

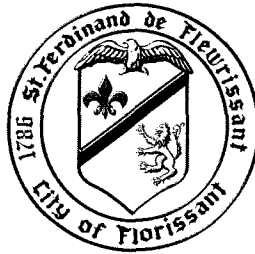
Philip E. Lum, AIA
Building Commissioner
955 Rue St. Francois
Florissant, MO 63031
314-839-7642
plum@florissantmo.com

Pending LHDC Approval:
RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

SIGN. 

DATE:
11-4-19

MEMORANDUM



CITY OF FLORISSANT

To: ^{P&Z} LHDC Commissioners

Date: October 31, 2019

From: Philip E. Lum, AIA-Building Commissioner cc: Todd Hughes, P.E.
Director of Public Works
Deputy City Clerk
Applicant
File

STAFF REPORT

CASE NUMBER PZ110419-2

Subject: Request recommended approval to amend the Zoning Code to **add State Substance Awareness Traffic Offender Program, probation service, theft offense, domestic violence and substance abuse services establishments as a Special Use** in the 'HB' Historic Business District.

I. PROJECT DESCRIPTION:

This is a request to amend the Zoning Code to **add State Substance Awareness Traffic Offender Program, probation service, theft offense, domestic violence and substance abuse services establishments as a Special Use** in the 'HB' Historic Business District.

II. EXISTING SITE CONDITIONS:

In the 'HB' District, see map attached, purpose of the Historic District and the list of permitted and Special Uses:

Intent And Purpose. The intent and purpose of these regulations are as follows:

- 1. To preserve the historic features of the Old Town area and its aesthetic and cultural heritage as reflected in the overall fabric of the area and the historic buildings designated by the Landmark and Historic District Commission and contained within the districts.*
 - 2. To allow for the adaptation of the Old Town area to the economic and functional requirements of the present and future development and redevelopment of the City of Florissant.*
 - 3. To provide an environment which will promote the future development of this area in a manner which is both economically beneficial to the overall community and which complies with the guidelines established under Section 405.250.*
 - 4. To encourage the use of this area for the public's education, welfare and pleasure.*
- 'HB' Historic Business District.

- 41 1. Use regulations. A building or lot within the "HB" Historic Business District shall be used only for the
42 following purposes; provided that, except as otherwise set forth herein, the uses do not allow adult
43 entertainment on the premises:
- 44 a. Permitted uses.
- 45 (1) Antiques.
46 (2) Apparel and accessories.
47 (3) Appliance store, repair and service.
48 (4) Bakery.
49 (5) Bank.
50 (6) Barbershop.
51 (7) Beauty shop.
52 (8) Bed and breakfast.
53 (9) Bookstore.
54 (10) Business and professional offices.
55 (11) Confectionary.
56 (12) Contractor office (with no storage of equipment or materials).
57 (13) Coin shop.
58 (14) Crafts and craft studio.
59 (15) Dance studio.
60 (16) Electrical, HVAC or plumbing contractor or sales and service conducted wholly within a building or
61 enclosed structure.
62 (17) Floral shop.
63 (18) Frame shop.
64 (19) Furniture and home furnishings.
65 (20) Glass shop.
66 (21) Hardware store.
67 (22) Interior design interior decorating.
68 (23) Jewelry store.
69 (24) Medical or dental office, clinics, pharmacies and services.
70 (25) Newspaper/news office.
71 (26) Museum.
72 (27) Musical instruments, music store and music studio.
73 (28) Photographer. (chemical processing prohibited)
74 (29) Printing shop.
75 (30) Restaurant or coffee shop (drive-through restaurants or coffee shops are specifically prohibited).
76 (31) Shoe repair.
77 (32) Sporting goods store.
78 (33) Tailor, alterations, dressmaking.
79 (34) Theater, auditorium and auction hall.
80 (35) Tobacco shop.
81 (36) Tourist information center.
82 (37) Parking lots and structures, when serving any of the permitted uses.
83 (38) Parks, playgrounds and community buildings owned and operated by public agencies.
84 (39) Public or parochial schools and private schools having a similar curriculum.
85 (40) Publishing.
86 (41) Residential uses, including:
87 (a) Single-family residential structures.
88 (b) Multi-family structures.
89 (c) Attached single-family dwellings or town houses.
90 (d) Mixed residential-commercial developments provided that the commercial uses shall be restricted to the
91 permitted uses in this district; provided that any residential uses shall comply with the standards and
92 requirements established for the like residential use within the "HR", "HD" or "HMD" Districts, unless less
93 restrictive provisions or requirements are otherwise established in this Subsection. Said standards shall
94 also include the regulations governing the exterior design of the buildings under Section 405.250.
95 (42) Temporary structures subject to the terms and conditions as set out in Section 405.235.
96 (Clothing/collection boxes are specifically prohibited.)

- 97 (43) Upon application and approval by the City, a permit authorizing outdoor sales may be issued for a
 98 designated period of time, provided that the outdoor sales being conducted on the property is consistent
 99 with the intent and purpose of the Historic District and the Historic District regulations.
 100 (44) Wedding chapel.
 101 Special use permits. The City Council may, by special permit, after public hearing and notice as provided
 102 in Article VIII and subject to such protective restrictions that the Council may deem necessary, authorize
 103 the location, extension or structural alteration of any of the following buildings or uses in an
 104 "HB" Historic Business District:
 105 a. Bicycle and bicycle repair shop.
 106 b. Brewpubs.
 107 [Ord. No. 8220 §9, 4-26-2016[1]]
 108 [1]Editor's Note: Section 9 also renumbered former Subsection (D)(6)(b) through (D)(6)(n) to (D)(6)(c)
 109 through (D)(6)(o), respectively.
 110 c. Carpet store.
 111 d. Cigar Bar, provided that the City adopts a "Indoor Clean Air Code" that exempts a Cigar Bar from the
 112 smoking prohibition.
 113 [Ord. No. 8402, 3-28-2018[2]]
 114 [2]Editor's Note: Ord. No. 8402 by implication renumbered former Subsection (D)(6)(d) through (D)(6)(o)
 115 to (D)(6)(e) through (D)(6)(p), respectively.
 116 e. Dry cleaners (dry cleaner plants prohibited).
 117 f. Collectibles.
 118 g. Retail food shop.
 119 h. Massage business, provided that the licensing requirements of the City are met.
 120 i. Ornamental iron shop.
 121 j. Painting contractor.
 122 k. Pest control service.
 123 l. Pet grooming.
 124 m. Sign company.
 125 n. Upholstery or auto upholstery.
 126 o. Mortuary.
 127 p. Tavern, nightclub or cocktail lounge.

128
 129 **III. SURROUNDING PROPERTIES:**

130 Varies- Will potentially affect any property in the 'HB' Zoning District.
 131

132 **IV. STAFF ANALYSIS:**

133 The applicant is taxed with the burden of proof for this petition to the Planning & Zoning
 134 Commission. The presentation as to the detailed description of the Use and how it is
 135 communicated is critical in understanding what is being proposed. Communication or
 136 lack thereof by both the City and Applicant is the reason for many of the things that have
 137 transpired so far.

138 1) The petitioner could also seek the recommendation from the City Landmark and
 139 Historic District Commission (LHDC). This petition could affect all properties in the
 140 'HB' District and allow for these Uses as the petitioner proposes and definitions of
 141 said Uses. LHDC can comment on any P&Z agenda item per City Ord. section
 142 405.445, 14 & 15. for it is within LHDC's powers and duties:

143 (14) "To make recommendations on any matter referred to it by the City
 144 Council or the Planning and Zoning Commission;"

145 (15) "To review proposed zoning amendments, applications for Special Use
 146 Permits or applications for zoning variances that affect proposed or
 147 designated Landmarks or Historic District Contributing Resources;"

- 148 2) Petitioner first applied for Zoning Authorization in June of 2019. Subsequently, the
- 149 Zoning was approved with staff understanding that the proposed business was to
- 150 provide "Counseling" services, as repeatedly put forth by the applicant.
- 151 3) Petitioner was not granted occupancy, nor a business license.
- 152 4) Petitioner purchased the building and was issued some permits for upgrades.
- 153 5) Petitioner was notified 9/11/19 via email that drug testing and classroom activities
- 154 may not meet the Zoning Code and asked to resubmit for Zoning authorization,
- 155 rescinding the original application.
- 156 6) City posted the premises for operating without an occupancy or business license.
- 157 7) Second application for zoning was received 10/7/19 but not approved. Staff
- 158 suggested the right thing to do was to apply to change the Zoning Code to clearly
- 159 identify the Use.
- 160 a) The City has not allowed Educational Development Centers in the 'HB' Zoning
- 161 District, including proposals for Self-Help, Language Classes, Phlebotomy, etc.
- 162 b) The City data lists 7 establishments by name that include "counseling", the
- 163 following are in the 'HB' Zoning District:
- 164 i) Rapha Christian Counseling 100-110 Rue St Francois 2019
- 165 ii) Purpose Counseling 100-103 Rue St Francois
- 166 iii) Temperament Counseling 760 Rue St Francois 2018
- 167 8) Petitioner proposes this petition, that a State program for Substance Awareness Traffic
- 168 Offender Program (SATOP), probation service, theft offense, domestic violence and
- 169 substance abuse services be added as Special Use in the 'HB' Zoning District.

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172 **VI. STAFF OBSERVATIONS/RECOMMENDATIONS:**

- 173 1. A review of the Comprehensive Plan for the City amended 2004 by PGAV
- 174 reveals that the existing land use of all HB Districts is "Commercial". It does not
- 175 address specific uses.
- 176 2. Although this petition could achieve the goals of this petitioner, it would also
- 177 allow anyone else to petition to propose such Special Uses anywhere else in the
- 178 'HB' District.
- 179 3. This petitioner presents a choice to the Commission:
- 180 a. Should these Uses be added as Special Uses in this district?
- 181 4. Definitions requested:
- 182 a. SATOP or Substance Abuse Traffic Offender Program.
- 183 b. Probation /Services.
- 184 c. Theft Offense /Services.
- 185 d. Domestic Violence /Services.
- 186 e. Substance Abuse /Services.
- 187 Petitioner shall fully explain such services for the understanding of the
- 188 Commission members.
- 189 5. Suggested motion: "I move to recommend approval to amend the zoning code,
- 190 Section 405.161, to allow State Substance Awareness Traffic Offender Program,
- 191 probation service, theft offense, domestic violence and substance abuse (services)
- 192 establishments as a Special Use, subject to the protective restrictions that the
- 193 Council may deem necessary."


 pending appl by LHDC and.
 (end report)

CITY OF FLORISSANT



NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Florissant, MO, in the Council Chambers, 955 Rue St. Francois, on Monday, November 25, 2019 at 7:30 P.M. on the following proposition:

To amend the Zoning Code to add State Substance Awareness Traffic Offender Program, probation service, theft offense, domestic violence and substance abuse service establishments as a Special Use. Citizens and parties of interest will have the opportunity to be heard at said public hearing. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or TDD 839-5142. CITY OF FLORISSANT.

Karen Goodwin, CMC, City Clerk.

1 INTRODUCED BY COUNCILMAN CAPUTA
2 DECEMBER 9, 2019

3
4 BILL NO. 9570

ORDINANCE NO.

5
6 **ORDINANCE TO INCREASE REVENUE ACCOUNT NO. 09-4-09310**
7 **“INSURANCE PROCEEDS” FOR FUNDS RECEIVED IN NOVEMBER IN**
8 **THE AMOUNT OF \$7,462.87 AND AN APPROPRIATION OF THE SAME**
9 **AMOUNT TO ACCOUNT NO. 09-5-09-30010 “VEHICLE REPAIRS” FOR**
10 **REPAIRS TO A 2016 GMC SIERRA IN THE 2019 FISCAL YEAR.**

11
12 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLORISSANT, ST. LOUIS
13 COUNTY, MISSOURI, AS FOLLOWS:

14
15 Section 1: Account 09-4-09310 “Insurance Proceeds” is hereby amended by adding the
16 reimbursement amount of \$7,462.87 from an insurance reimbursement; and

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18 Section 2: There is hereby appropriated the amount of \$7,462.87 to Account 09-5-09-
19 30010 “Vehicle Repairs” for repairs on a 2016 GMC Sierra in the Parks Department, and

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21 Section 3: This ordinance shall become in force and effect immediately upon its
22 passage and approval.

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25 Adopted this ____ day of _____, 2019.

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29 _____
30 Jeff Caputa
31 President of the Council
32 City of Florissant

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34 Approved this ____ day of _____, 2018.

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38 _____
39 Timothy J. Lowery
40 Mayor, City of Florissant

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42 ATTEST:

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44 _____
45 Karen Goodwin, MPPA/MMC/MRCC
46 City Clerk

FLORISSANT CITY COUNCIL

AGENDA REQUEST FORM

Date: December 4, 2019

Mayor's Approval:

Agenda Date Requested: |

9-Dec-19

Request to ammend the 2019 for the following:

Increase revenue account 09-4-09310 – "Insurance Proceeds", for insurance monies received in November, in the amount of \$7,462.87 for claims made on a 2016 GMC Sierra and appropriate \$7,462.87 to account 09-5-09-30010 – 'Vehicle Repairs', to be used for repair expenses incurred in the 2019 fiscal year.

Department: Parks and Recreation

Recommending Board or Commission:

Type of request:

Ordinances	X	Other	X
Appropriation		Liquor License	
Transfer		Hotel License	
Zoning Amendment		Special Presentations	
Amendment		Resolution	
Special Use Transfer		Proclamation	
Special Use		Subdivision	
Budget Amendment	X		

Public Hearing needed: Yes / No

NO

3 readings? : Yes / No

YES

Back up materials attached:

Back up materials needed:

Minutes		Minutes	
Maps		Maps	
Memo		Memo	
Draft Ord.		Draft Ord.	

Note: Please include all attachments necessary for documents to be generated for inclusion on the Agenda. All agenda requests are are to be turned in to the City Clerk by 5pm on Tuesday prior to the Council meeting.

For City Clerk Use Only:

Introduced by: _____

PH Speaker: _____

*cc to Council
12/5/19
mayor*

**CITY OF FLORISSANT
PARKS AND RECREATION DEPARTMENT
Memorandum**

Date: December 4, 2019

To: Mayor Timothy J. Lowery

From: Cheryl A. Thompson-Stimage, Director of Parks & Recreation

Subject: Amendment to 2019 Budget - Park Improvement

Attached is a request to the city council to amend the 2019 budget.

The request is to increase revenue account 09-4-09310 – ‘Insurance Proceeds’, for insurance monies received in November, in the amount of \$7,462.87 for claims made on a 2016 GMC Sierra and appropriate \$7,462.87 to account 09-5-09-30010 – ‘Vehicle Repairs’, to be used for repair expenses incurred in the 2019 fiscal year.

Please advise if additional information is needed. Thank you for your consideration on this matter.

1 INTRODUCED BY COUNCIL AS A WHOLE
2 DECEMBER 9, 2019

3
4 BILL NO. 9571

ORDINANCE NO.

5
6 **AN ORDINANCE REPEALING ORDINANCE NO. 8476 ESTABLISHING A**
7 **NEW COMPENSATION PLAN FOR PART-TIME EMPLOYEES OF THE CITY**
8 **OF FLORISSANT AND CONTAINING AN EFFECTIVE DATE CLAUSE.**

9
10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLORISSANT, ST. LOUIS
11 COUNTY, MISSOURI, AS FOLLOWS:

12
13 Section 1: Ordinance No. 8476 is hereby repealed.

14 Section 2: The wage range for various part-time employees of the City of Florissant is
15 hereby established as follows:
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<u>JOB CLASSIFICATION</u>	<u>START</u>	<u>AFTER 12</u> <u>MONTHS</u>	<u>YEAR</u> <u>3</u>	<u>YEAR</u> <u>4</u>	<u>YEAR</u> <u>5</u>
Multi-building Inspector	18.94	21.84	22.28	22.72	23.18
Dispatcher	18.09	19.18	19.56	19.95	20.35
Building Inspector/Code Enforcement	16.13	18.33	18.70	19.07	19.45
Video Specialist	14.96	15.89	16.21	16.53	16.86
Human Resource Specialist	14.96	15.89	16.21	16.53	16.86
Pool Manager - Indoor Pool	13.25	13.75	14.03	14.31	14.59
Recreation Leader III (Centers)	12.68	13.75	14.03	14.31	14.59
Park Ranger Supervisor II	12.68	13.75	14.03	14.31	14.59
Engineering Technician/HVAC Tech	11.85	12.68	12.93	13.19	13.46
Parks Laborer, Golf Laborer, Street, Health, Truck Driver	11.28	11.51	11.74	11.98	12.21
Bus Driver	11.16	12.33	12.58	12.83	13.08
Head Lifeguard - Indoor Pool	11.16	12.33	12.58	12.83	13.08
Accounting Clerk	11.16	12.22	12.46	12.71	12.97
City Hall Cashier I	11.16	12.22	12.46	12.71	12.97
Secretary	11.16	12.22	12.46	12.71	12.97
Assistant Court Clerk	11.16	12.22	12.46	12.71	12.97
Health Kennelperson	11.16	12.22	12.46	12.71	12.97
Park Ranger	10.10	10.41	10.62	10.83	11.05
Lifeguard - Indoor Pool	9.72	10.01	10.21	10.41	10.62

Clerk Typist, File Clerk, Receptionist, Permit Inspection Clerk, Duplicating Equip. Operator, & Senior Office Support Staff	9.64	9.71	9.90	10.10	10.30
Custodian	9.45	9.64	9.83	10.03	10.23
Cashier I/Rink/Pool Duties - Indoor Pool	9.45	9.64	9.83	10.03	10.23
Recreation Leader II (Centers)	9.45	9.64	9.83	10.03	10.23
Reserve Police Officer/Park Police/Bailiff	27.54	Rate not to exceed			
Community Development Specialist	14.96	15.89	16.21	16.53	16.86
Golf Pro Shop Manager	\$12.31	\$13.35	13.62	13.89	14.17
Economic Development Coordinator	\$32.23	Rate not to exceed			

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19 Section 3: Part-time personnel are regularly scheduled employees who are not to exceed
20 twenty-nine (29) hours of work per week.

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22 Section 4: This ordinance shall become in force and effect as of January 1, 2020.

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24 Adopted this _____ day of _____, 2019.

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ATTEST:

Karen Goodwin, MPPA/MMC/MRCC
City Clerk

Jeffrey Caputa
President of the Council
City of Florissant

Approved this _____ day of _____, 2019.

Timothy J. Lowery
Mayor, City of Florissant

FLORISSANT CITY COUNCIL

AGENDA REQUEST FORM

Date: 12/03/19 _____

Mayor's Approval:

Agenda Date Requested: 12/9/2019

Description of request:

New Missouri minimum wage. Request to adjust part-time and seasonal pay ordinances to reflect new minimum wage effective January 1, 2020 and to remain competitive.

Funds have been budgeted to include the increases for 2019-2020.

Department: Administration

Recommending Board or Commission:

Type of request:

Ordinances	X	Other	X
Appropriation		Liquor License	
Transfer		Hotel License	
Zoning Amendment		Special Presentations	
Amendment	X	Resolution	
Special Use Transfer		Proclamation	
Special Use		Subdivision	
Budget Amendment			
	Y/N		Y/N
Public Hearing needed: Yes / No		3 readings? : Yes / No	Y

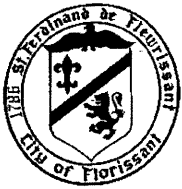
Back up materials attached:		Back up materials needed:	
Minutes		Minutes	
Maps		Maps	
Memo	X	Memo	
Draft Ord.	X	Draft Ord.	

Note: Please include all attachments necessary for documents to be generated for inclusion on the Agenda. All agenda requests are to be turned in to the City Clerk by 5pm on Tuesday prior to the Council meeting.

For City Clerk Use Only:

Introduced by: _____

PH Speaker: _____



MEMORANDUM

Date: December 3, 2019
To: Mayor Timothy J. Lowery and City Council
From: Sonya D. Brooks-White, Director of Human Resources
Re: 2020 Missouri Minimum Wage Increase Part-time and Seasonal

On the November 6, 2018, the State of Missouri had on the ballot Proposition B to increase minimum wage requirements by \$.85 cents an hour and reaching \$12.00 per hour by 2023. The requirement became effective January 2019. As a result, the City increased our minimum wage and we would like to continue to keep pace with other industries and organizations. **Effective January 1, 2020, the Missouri minimum wage will increase to \$9.45.** Therefore, the City would need to amend Ordinance 8476 and 8478 which establishes the compensation plan for Part-time and Seasonal employees. The following positions currently fall below the anticipated new minimum wage requirement:

<u>Position</u>	<u>Current Rate</u>
• Playground Recreation Leader	\$8.70
• Cashier I/Rink/Pool – Indoor Pool	\$8.70
• Cashier II//Rink/Pool/Concession – Outdoor Pool	\$8.70
• Golf Course Cart Attendant	\$8.70
• Golf Course Beverage Cart Attendant	\$8.70
• Golf Course Food & Beverage Attendant	\$8.70
• Ink Rink Guard	\$8.70
• Recreation Leader II	\$8.70
• Custodian	\$8.98
• Lifeguard – Outdoor Pool	\$9.42
• Clerk Typist, File/Permit Clerk, Receptionist, Duplicating Operator, and Senior Office Support Staff	\$9.05

Funds were allocated in the 2019-2020 Budget to include the increase in the minimum wage. The steps will still allow for a two-percent increase between steps 2 through 5. Based on duties some positions were placed a little higher from previous scales. Hopefully, this will continue to help reduce our turnover rate with our part-time staff.

I recommend implementing the new minimum wage effective **January 1, 2020**. Let's stay competitive and continue to provide incredible services to our residents and guests of the City of Florissant.

If you need additional information or have any questions feel free to contact me.

1 INTRODUCED BY COUNCIL AS A WHOLE
2 DECEMBER 9, 2019

3
4 BILL NO. 9572 ORDINANCE NO.

5
6 **AN ORDINANCE REPEALING ORDINANCE NO. #8183 ESTABLISHING A**
7 **NEW COMPENSATION PLAN FOR SEASONAL EMPLOYEES OF THE CITY**
8 **OF FLORISSANT AND CONTAINING AN EFFECTIVE DATE CLAUSE.**

9
10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLORISSANT, ST. LOUIS
11 COUNTY, MISSOURI, AS FOLLOWS:

12
13 Section 1: Ordinance No. 8183 is hereby repealed.

14
15 Section 2: The wage range for various seasonal employees of the City of Florissant is
16 hereby established as follows:

17

<u>JOB CLASSIFICATION</u>	<u>START</u>	<u>AFTER 12</u> <u>MONTHS</u>	<u>YEAR</u> <u>3</u>	<u>YEAR</u> <u>4</u>	<u>YEAR</u> <u>5</u>
Rink Manager	13.35	13.62	13.89	14.17	14.45
Pool Manager - Outside Pool	13.35	13.62	13.89	14.17	14.45
Playground Director	13.35	13.62	13.89	14.17	14.45
Head Lifeguard - Outdoor Pool	11.96	12.20	12.44	12.69	12.95
Concession Stand Manager	11.96	12.20	12.44	12.69	12.95
Asst. Playground Director	11.28	11.51	11.74	11.98	12.21
Street, Health, Parks, Golf					
Laborer, Truck Driver	10.30	11.28	11.51	11.74	11.97
Life Guard - Outdoor Pool	9.72	10.01	10.21	10.41	10.62
Ice Rink Guard	9.45	9.64	9.83	10.03	10.23
Playground Recreation Leader	9.62	9.81	10.01	10.21	10.41
Cashier II/Rink/Pool/Concession -					
Outdoor Pool	9.45	9.64	9.83	10.03	10.23
Golf Course Pro-Shop Manager	12.31	13.35	13.62	13.89	14.17
Golf Course Food & Beverage					
Manager	12.31	13.35	13.62	13.89	14.17
Golf Course Pro-Shop Attendant	9.53	10.01	10.21	10.41	10.62
Golf Course Food & Beverage					
Attendant	9.45	9.64	9.83	10.03	10.23
Golf Course Cart Attendant	9.45	9.64	9.83	10.03	10.23
Golf Course Beverage Cart Attendant	9.45	9.64	9.83	10.03	10.23
Volunteer Coordinator	\$11.00	rate not to exceed			

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Section 3: This ordinance shall become in force and effect as of January 1, 2020.

Adopted this _____ day of _____, 2019.

Jeffrey Caputa
President of the Council
City of Florissant

Approved this _____ day of _____, 2019.

Timothy J. Lowery
Mayor, City of Florissant

ATTEST:

Karen Goodwin, MMC/MRCC
City Clerk